Agenda

HYNDBURN
The place to be
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Cabinet

Wednesday, 22 March 2023 at 11.30 am,
QER, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Miles Parkinson OBE (in the Chair)

Councillors Peter Britcliffe, Marlene Haworth, Joyce Plummer, Kath Pratt and Steven Smithson

A G E N D A

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**

2. **Declarations of Interest and Dispensations**

3. **Minutes of Cabinet** *(Pages 5 - 24)*

   To approve the Minutes of the last meeting of Cabinet held on 8th February 2023.

PART B: PORTFOLIO ITEMS

4. **Reports of Cabinet Members**

   To receive verbal reports from each of the Portfolio Holders, as appropriate.

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Leader of the Council (Councillor Miles Parkinson OBE)

5. **Authorisation for Making Compulsory Purchase Order for Burtons Chambers** *(Pages 25 - 90)*

Report attached.

Appendix D to this report, containing exempt information, appears at Agenda Item 12, in Part C of the Agenda. The implementation of the decisions taken under Agenda Item 5 will be conditional upon the adoption of the recommendation at Agenda Item 12.

Portfolio Holder for Resources (Councillor Joyce Plummer)

6. **Amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing** *(Pages 91 - 102)*

Report attached.

7. **Financial Monitoring Report - Revenue Budget 2022-2023 as at Period 10 (January 2023)** *(Pages 103 - 106)*

Report attached.

8. **Financial Monitoring Report - Capital Budget 2022-2023 as at Period 10 (January 2023)** *(Pages 107 - 114)*

Report attached.

Portfolio Holder for Environmental Services (Councillor Steven Smithson)

9. **The Proposed Use of Alternate Fuel for the Council's Vehicle Fleet** *(Pages 115 - 144)*

Report attached.

Portfolio Holder for Housing, Health and Wellbeing (Councillor Kath Pratt)

10. **Livingstone Road - Garage Plots Disposal to Altham Parish Council** *(Pages 145 - 154)*

Report attached.

PART C: EXEMPT ITEMS

11. **Exclusion of the Public**

Recommended **That, in accordance with Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access**

to Information) (England) Regulations 2012, the public be excluded from the meeting during the following items, when it is likely, in view of the nature of the proceedings that there will otherwise be disclosure of exempt information within the Paragraphs of Schedule 12A of the Local Government Act 1972 specified at the items.

Details of any representations received by the Executive about why the following report should be considered in public – none received.

Statement in response to any representations – not required.

<u>Leader of the Council (Councillor Miles Parkinson OBE)</u>

12. Authorisation for Making Compulsory Purchase Order for Burtons Chambers *(Pages 155 - 162)*

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval is being sought from Councillor Josh Allen, Chair of the Special Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, in private, on the grounds that the decision is urgent and cannot reasonably be deferred.

Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)

The attached Appendix, which contains exempt information, relates to Agenda Item 5.

<u>Recommendation</u>

That Cabinet notes the exempt information contained within Appendix D to the Part B report on Authorisation for Making CPO for Burtons Chambers (Agenda Item 5 refers).

<u>Portfolio Holder for Housing, Health and Wellbeing (Councillor Kath Pratt)</u>

13. Disposal of Property and Land to HARV Outreach Team *(Pages 163 - 176)*

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval is being sought from Councillor Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, in private, on the grounds that the decision is urgent and cannot reasonably be deferred.

Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)

Report attached.

14. United Utilities Haweswater Aqueduct Resilience Programme (HARP) Project - Bolton Avenue Playing Fields, Huncoat *(Pages 177 - 194)*

In accordance with Regulation 5(6)(a) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, approval is being sought from Councillor Patrick McGinley, Chair of the Resources Overview and Scrutiny Committee, to the following decision being made by Cabinet on 22nd March 2023, in private, on the grounds that the decision is urgent and cannot reasonably be deferred.

Exempt information by virtue of Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)

Report attached.

CABINET

Wednesday, 8th February, 2023

Present: Councillor Miles Parkinson OBE (in the Chair), Councillors Peter Britcliffe, Kath Pratt, Steven Smithson and Joyce Plummer

In Attendance: Councillor Munsif Dad, Councillor Noordad Aziz, Councillor Scott Brerton

Apologies: Councillor Marlene Haworth

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272 Apologies for Absence

An apology for absence was submitted on behalf of Councillor Marlene Haworth.

273 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations declared at the meeting.

274 Minutes of Cabinet

The Minutes of the meeting of Cabinet held on 25th January 2023 were submitted for approval as a correct record.

The Leader of the Council, Councillor Miles Parkinson OBE, referred to the following items in respect of the minutes of 25th January 2023:

Minute No. 259

<u>Levelling Up Fund, the Leader of the Council</u>
Gretta Starks had been appointed to oversee the proposed projects at Burtons Chambers and Corporate Management Team had met with her to discuss future plans, which included the appointment of a third partner from the private sector.

<u>Leisure Transformation</u>
The meeting was informed that a planning application had been submitted for a new pavilion at Wilson Playing Fields. The Leader of the Council commended this. He indicated that he was aware of community feelings with regards to Mercer Hall but plans for repurposing this building were progressing.

<u>Local Plan</u>
Consultations on the Local Plan had ended and the document had been passed in March 2022 with all parties fully supporting the proposal. The Leader of the Council explained the importance of the Local Plan in creating employment in the borough and referred to the appointment of relevantly experienced people to lead on the best use of the Heritage Funding. A Partnership Board would be formed to make recommendations comprising of businesses, stakeholders and the community and taken forward by external partnerships.

The Treasury Management Team were thanked for their efforts in ensuring Hyndburn Council remained in a good financial position.

Resolved - **That the Minutes be received and approved as a correct record.**

275 Reports of Cabinet Members

The Leader of the Council, Councillor Miles Parkinson OBE, referred to the successful bid for Levelling Up Funding after receipt of £66.93 million. He outlined the work done by the Stakeholders Board, Bradshaws, and the Member of Parliament for Hyndburn in achieving this. He reported that this money would be invested in each area of the borough and expressed delight that Hyndburn had been in the top 10% of the country in being successful in their bid.

276 LUF and UKSPF Funding and Delivery

The Cabinet were requested to consider a report submitted by the Leader of the Council, Councillor Miles Parkinson OBE, seeking delegated authority for the Executive Director (Environment), to deliver the various interventions following the announcement that the Council's Levelling Up Fund (LUF) bid and the UK Shared Prosperity Fund (UKSPK) allocation had been successful.

The Leader of the Council referred to the success of the funding bids being due to the hard work of those involved and to working with the appointed consultants. He explained that all those involved would be written to, including Hyndburn Leisure, to thank them for their input in making this a success. He informed the meeting that the focus would be on three principal interventions but that there would also be delivery on all of the proposed schemes.

The Opposition Leader, Councillor Munsif Dad, welcomed the funding in the borough and referred to work input by the Labour Party under their leadership, which had contributed to this success. He indicated that the Labour Party would welcome involvement in the delivery of these schemes.

The Leader of the Council thanked the Opposition Leader for his comments and referred to the importance of all parties working together for the good of the borough.

Approval of the report was deemed a key decision.

Reason for Decision

The Levelling Up fund was announced at the 2020 Spending Review and would focus on capital investment in local infrastructure projects that required up to £20m of funding and built on prior programmes such as the 'Local Growth Fund' and 'Towns Fund'.

Cabinet gave its formal approval in support of the Stakeholder Board's recommendations that the Council's £20 million LUF submission should focus on three principal interventions around the town square.

The UK Shared Prosperity Fund (UKSPF) is a Government-allocated fund which was intended to reduce inequalities between communities as part of the Government's wider 'levelling up' agenda.

Hyndburn's allocation from the UKSPF for the period April 2022 to April 2025 was £2,943,592. This allocation could be used either for revenue or for capital purposes, subject to the approval of an investment plan. This investment plan was submitted on 1 August 2022 and pre-payment conditions were addressed on the 10 January 2023. Unlocking the six monthly amounts for Y2 and Y3 of the Council's allocation was dependent on demonstrating expenditure was aligned with the outputs and goals were being met within the approved investment plan.

It had been recognised that the Council did not have the specific knowledge or experienced staff ‘in house’ to manage contractors and professional consultants on the delivery of such high value construction projects. A preferred PM had been identified and following the LUF announcement, the Council is in the process of formally appointing them.

To ensure the Council had sufficient financial controls in place, a dedicated Accountant would be appointed to work within the existing Council’s finance team dedicated to the oversight of the LUF and UKSPF funding. Regular reports would be provided to the Stakeholder Board, Cabinet and Special Scrutiny Committee on progress.

Those buildings acquired through LUF funding would be added to the Council’s insurance using secure property management services for 12 months, (or until it becomes a construction site) through CBRE.

Alternative Options Considered and Reasons for Rejection

The Council could reject the various external funding totalling £23,443,592 but this was not recommended as the funding was essential to kick start the regeneration of the town centre and specifically with the redevelopment of vacant prominent key buildings facing the town square.

Resolved

(1) That authority be delegated to the Executive Director (Environment), subject to consultation with the Leader of the Council, Executive Director of Finance (Section 151 Officer) and Executive Director (Legal & Democratic Services) to:-

a) accept the £20 million from the Levelling Up Fund and enter into agreement with the Department for Levelling Up, Housing and Communities (DLUHC) in accordance with the terms and conditions of the LUF.

b) accept LUF match funding from Lancashire County Council in the sums of £1 million from the Lancashire Levelling Up Investment Fund (LLUI) and £0.5 million from the Lancashire Economic Recovery and Growth Fund (LERG) and enter into agreement with Lancashire County Council in accordance with the terms and conditions of the LLUI and LERG.

c) accept the £2,943,592 allocated to the Council from the UK Shaped Prosperity Fund and enter into agreement with the Department for Levelling Up, Housing and Communities (DLUHC) in accordance with the terms and conditions of the UKSPF;

(2) That approval be given for expenditure of the LUF and UKSP funds comprising of £20 million LUF, £1.5 million match funding from Lancashire County Council, £2 million match funding from Hyndburn Council and £2,943,592 UKSPF;

(3) That authority be delegated to the Executive Director (Environment), to take all reasonable steps to deliver the LUF and UKSP interventions including (but not limited to):

i) Procuring works, goods and services, including approval of expenditure and variations (and to determine the appropriate delivery mechanism for each element of the LUF and UKSPF interventions, including the possible creation of joint venture arrangements); and

ii) following consultations with the Executive Director (Legal & Democratic Services) to agree the terms of any agreements to appoint the various preferred consultants or contractors to enable delivery of the interventions, such as, but not limited to; architects, engineers, quantity surveyors, main contractors, event organisers/providers, communications companies, East Lancashire Chamber of Commerce, Lancashire County Council (together with any associated legal agreements such as collateral warranties); and

iii) obtaining all necessary permissions and consents, whether statutory or otherwise; and

iv) to agree terms for the acquisition and disposal of any land or property in connection with delivery of the LUF and UKSPF interventions, including accepting surrenders of leases in any of the three interventions.

(4) That it be noted, at the Council meeting held on 13th January 2022, approval was given for the creation of a £2 million LUF contingency reserve;

(5) That authority be delegated to the Executive Director (Environment), subject to consultation with the Leader of the Council and Chief Executive to approve expenditure from this reserve, where it is deemed essential and/or economically advantageous to the Council to deliver the LUF interventions and that such delegations are limited to amounts within the funding streams highlighted in paragraph 2.2 of the report and the Council's LUF contingency reserve in paragraph 2.3 of the report. Any request for overspending greater than this would be reported to Cabinet for approval.

277 Levelling Up Parks Funding

The Cabinet Portfolio Holder for Environmental Services, Councillor Steven Smithson, presented a report to inform Cabinet about Levelling Up Parks Funding allocated to Hyndburn. He referred to the importance of increasing access to quality green spaces and to an opportunity to use the funding to refurbish the footpaths in Memorial Park, Great Harwood and to achieve green flag status. He also indicated that funding could be used to replace some of the lost trees in Great Harwood.

Approval of the report was not deemed a key decision.

Reason for Decision

In May 2022 the Levelling Up and Regeneration Bill was introduced to Parliament. This Bill set out the Government's proposals for its "levelling up" agenda.

An element of the levelling up agenda was the setting up of the Levelling Up Parks fund which allocated £9 million to improve the quality and accessibility of green spaces in 100 Local Authorities across the UK.

A list of Councils eligible for the Levelling Up Parks funding was published and Hyndburn had been listed as one of those Council's. Rather than a competitive bidding process Hyndburn was pre-allocated its part of the funding.

The goal of the funding, as set out in the Levelling Up Parks fund prospectus, was to increase access to quality green space, increase tree planting in urban areas and increase pride in local places. One of the expectations for receiving the funding was to work towards green flag status for the site receiving the funding.

Memorial Park in Great Harwood is over 100 years old and the focal point of the Park is the war memorial. The footpaths around the war memorial were in a poor condition and had suffered from drainage issues in the area. As such, refurbishing the footpaths in the war memorial garden was proposed to the DLUHC as the site to receive the levelling up parks funding.

Memorial Park currently does not have green flag award status and a green flag award inspector had visited the park as part of the application process and fed back to DLUHC as to its suitability for levelling up parks funding. The inspector reported that the site was suitable for the levelling up parks funding and there was an opportunity to achieve green flag award status for the Park.

In addition to the capital works there was a desire to use the funding to replace some of the trees lost in those urban areas which people used to walk or cycle to Memorial Park from all over Great Harwood. The Council's tree officer had noted that 22 street trees had been lost in Great Harwood in recent times due to the trees being over mature or in poor tree health.

As reported to Cabinet on 7 December 2022 Memorial Park had secured some external grant funding along with match funding from the Council to improve the Park. Part of this funding was to undertake repairs to the war memorial and Proffitts CIC were to be appointed as project manager/designer for these works. To ensure consistency in the delivery phase it was proposed the Council waived its Contract Procedure Rules to appoint Proffitts CIC to act as project manager for the Levelling Up Parks Fund work. This was so the same project manager would be responsible for both war memorial work and the footpath work in the war memorial gardens.

The delivery phase work would commence on site once all permissions had been finalised and secured and once a suitable agreement with Proffitts CIC was in place.

Alternative Options considered and reasons for rejection

One option was not to accept the offer of the Levelling Up Parks funding. This was not recommended as Levelling Up parks funding has been allocated to Hyndburn and the proposed refurbishment work could be undertaken to enhance and compliment the improvement work already planned for Memorial Park in Great Harwood.

Resolved

(1) That the offer of Levelling Up Parks Funding allocated to Hyndburn, be accepted;

(2) That authority be delegated to the Council's S151 Officer (or their deputy) to sign the Memorandum of Understanding (MOU) from the Department for Levelling Up, Housing and Communities (DLUHC) which is required prior to the release of the Levelling Up Parks Funding allocated to Hyndburn;

(3) That authority be delegated to the Executive Director (Environment) to implement and complete the Levelling Up Parks Project , including engaging consultants and contractors as required to deliver the Project and obtaining all necessary permissions and consents;

(4) That the Contract Procedure Rules be waived and authority delegated to the Executive Director (Environment) subject to consultation with the Executive Director (Legal & Democratic Services), to agree the terms of the agreement to appoint Proffitts CIC as set out in the paragraph 3.9 of the report.

278 Energy Company Obligation (ECO) 4 Statement of Intent

The Cabinet Portfolio Holder for Housing, Health and Wellbeing, Councillor Kath Pratt, presented a report to update the meeting on the Government's Energy Company Obligations (ECO) scheme and ECO 4 Flexibility eligibility. She also sought approval from Cabinet to adopt the Lancashire wide ECO4 LA Flexibility Statement of Intent which had been agreed by Lancashire Home Energy Officers Group (LHEOG). She outlined that the scheme would help to improve energy efficiency and tackle poverty.

Approval of the report was not deemed a key decision.

Reason for Decision

The Energy Company Obligation (ECO) which was introduced in 2013 is a government energy efficiency scheme designed to tackle fuel poverty and help reduce carbon emissions. It places legal obligations on energy suppliers to deliver energy efficiency and heating measures to domestic premises. The scheme has seen 4 iterations. ECO 4 applies to measures installed from April 2022 and will cover a four year period until 31st March 2026.

ECO4 is the fourth iteration of ECO. As part of its Sustainable Warmth Strategy, the Government has extended the ECO grant for an extra four years. The primary goal of this funding is to support low-income households who are unable to upgrade their homes and heating systems.

Under ECO3, energy suppliers with more than 150,000 domestic customers were obligated to support eligible applicants. Although this is currently the case for ECO4, the Government is hoping to remove obligation thresholds by introducing "a buy-out mechanism". This essentially means smaller energy suppliers will also be able to participate in the scheme. The Government has also changed the eligibility criteria for ECO4. The ECO4 report states that 46.1% of fuel-poor households are not in receipt of benefits. To support these low-income groups, the government is reforming and expanding the local authority flexibility scheme, so that suppliers can deliver up to 50% of their obligation via this route and removing some disability benefits that were previously available under ECO 3.

The ECO4 scheme takes a fabric-first approach, which means it focuses on improving the building itself before installing new heating systems. Where heating systems are old and inefficient ECO4 will look to fund green alternatives.

Statement of Intent - Participating in the ECO 4 Flex element of the ECO 4 scheme by publishing a Statement of Intent and making referrals will enable qualifying households to access funding to assist with improvements to the energy efficiency of their homes. This will assist with reduction in household energy bills, lower the risk of fuel poverty and contribute towards the national net zero 2050 target.ECO4 is increasing the number of LA Flex applications to 50% of all ECO applications.

Cosy Homes in Lancashire (CHiL) is a brand established by 12 district and two unitary councils in Lancashire as well as the County Council to co-ordinate and deliver domestic energy efficiency schemes across Lancashire. In October 2018 Blackpool Council, on behalf of the other Lancashire local authorities appointed a Service Provider (Rhea Projects Ltd) through a competitive tendering process to deliver all domestic energy efficiency initiatives under the CHiL brand. Hyndburn Council and other participating local authorities in the CHiL initiative have an individual contract with CHiL's Service Provider (Rhea Projects Ltd) so residents and households have access to opportunities and funding to improve the energy efficiency of their homes.

Local Authorities can only access ECO Flex Funding if a statement of intent (S of I) has been published detailing their eligibility criteria for qualifying households and this statement has been published on the council's website and Ofgem (Office of Gas and Electricity) and BEIS (Department for Business & Industrial Strategy)have been notified of its publication.

The Lancashire wide Statement of Intent is based on the prescribed eligibility criteria set out by national guidance from Ofgem. Adopting the Lancashire wide 'Statement of Intent for Energy Company Obligations 4 Flexible Eligibility' will result in all LA Flex applications being administered by the CHiL Hub through the Service Provider(Rhea Projects Ltd). The CHil Hub through the Service Provider (Rhea Projects Ltd) offers an end to end process from initial marketing of the ECO 4 scheme, receiving and processing applications, installation of measures including post installation support.

This approach would result in energy measures being installed by CHiL approved installers who are all Lancashire based. Installers from outside Lancashire could still deliver ECO measures under the ECO 4 Scheme and could refer households to CHiL for assistance under ECO 4 Flexible eligibility route.

Alternative Options Considered and Reasons for Rejection

Not having a statement of Intent and not making referrals under the ECO4 Flex element of the ECO 4 Scheme would prevent Hyndburn residents from being able to access assistance under the ECO4 Flex element.

Opening the LA flex route to private contractors would involve a significant amount of additional work for Hyndburn Borough Council over the lifetime of ECO 4 and require the Council to have its own statement of intent.

Resolved

(1) That Cabinet noted the change to the Energy Company Obligation and that local authorities are required to publish an updated Statement of Intent to participate in the ECO4 (Energy Company Obligation) Flexibility Eligibility scheme;

(2) That the Lancashire wide 'Statement of Intent' for Energy Company Obligations Flexible Eligibility scheme, as attached in the report which is proposed for adoption by the Lancashire Home Energy Officers Group (LHEOG) for the Cosy Homes in Lancashire (CHiL) initiative which was developed by the 15 local authorities in Lancashire, be adopted;

(3) That authority be delegated to the Head of Regeneration and Housing to sign the Lancashire wide Statement of Intent so that Hyndburn Council could participate in the ECO4 Flexibility Eligibility scheme; and

(4) That Cabinet noted that the Housing Strategy and Policy Manager will authorise and sign declarations confirming residents of Hyndburn meet the eligibility criteria for ECO 4 Flexibility funding.

279 Exclusion of the Public

Item Withdrawn

280 Disposal of Property and Land to HARV Outreach Team

Item Withdrawn

281 Medium Term Financial Strategy 2023/24 to 2025/26 - February 2023 Update

The Cabinet Portfolio Holder for Resources, Councillor Joyce Plummer, presented a report to inform Cabinet of the 3-year projections of income and spending for the Council ahead of formulating its 2023/24 Revenue and Capital Budgets.

Councillor Plummer highlighted a number of key issues within the Medium Term Financial Strategy (MTFS) report, as follows:-

- The report set out the financial position of the Council for the next few years.
- The information would help the Council to set its Budget and identify its medium term prospects.
- A key aim was to provide stability year on year.
- The Council's activities and finances had been dominated by the continuing impact of Covid-19 and the economic consequences of the War in Ukraine. This was expected to continue in the new financial year.
- The Council would operate a roll forward Budget for 2023/24 based on the 2022/23 Budget adjusted for change to salary and wages, energy and other cost pressures and anticipated changes to the Council's income from the Government.
- To achieve a balanced Budget during the year the Council would need to generate £115,279 of internal savings during the year and contain around £14.38m in overall expenditure in 2023/24.
- If it is considered inappropriate to raise income through Council Tax and Business Rates the Council may have to use Reserves.
- Government financial reforms are still unclear and not likely to emerge until December 2023, at the earliest, creating uncertainty and potentially significant variance around the forecast contained in the MTFS.
- The report provides three scenario models to reflect financial variances during the next 3 years: the Standard Model (appendix 1), Pessimistic Model (appendix 2) and the Optimistic Model (appendix 3). In these circumstances it was considered prudent for the Council to look to increase its reserves and revenue streams and avoid committing to any new revenue expenditure.

In summary, Government decisions on future governing levels would determine the Council's financial future. The Leader of the Council referred to the financial challenges the Council had faced and the decisions that had been taken to deal with them. He indicated that the Council was in a good financial position.

The Opposition Leader, Councillor Munsif Dad, welcomed the pay settlement for staff and thanked the Finance Team for maintaining the Council's healthy financial position.

The following aspects were addressed in the Strategy:-

- Introduction
- Objectives
- Elements of the Medium Term Financial Strategy
- Service Planning to Support Overall Strategy
- Integrated Resource Planning with Service Plans
- Background Information
- Financial Analysis 2023/24 to 2025/26
- Changes in Costs
- Growth
- Reserves
- Other Assumptions
- Equality Impact Assessment

- ❖ Scenarios
- ❖ Robustness of Forecast
- ❖ Overall Net Position

Approval of the report was not deemed a key decision.

Reason for decision

The Cabinet required an update on its medium term financial outlook ahead of setting the Budget for 2023/24 and determining the level of Council Tax for the new financial year. This report also ensured those decisions were taken with a view to the overall position of the Council going forward and were not limited to a narrow one-year perspective.

There were no alternative options for consideration or reasons

Resolved - **That Cabinet approved the report and the accompanying Medium Term Financial Strategy (MTFS).**

282 Prudential Indicators and Treasury Management & Investment Strategy 2023/24 - 2025/26 Including Capital Strategy

Cabinet Portfolio Holder for Resources, Councillor Joyce Plummer, presented a report setting out the Council's policy and objectives with respect to treasury management, to explain how it would achieve its objectives and manage its activities; and to agree an investment strategy for 2023/24.

Councillor Plummer highlighted a number of key issues within the report, as follows:-

- The effective management of resources;
- Prudential indicators and limits;
- Borrowing;
- Loans; and
- Investment

The report had been prepared in line with the Chartered Institute of Public Finance and Accountancy (CIPFA) advice.

Approval of the report was not deemed a key decision.

Reason for decision

Treasury management was defined as:

- The management of the Council's investment and cash flows, its banking, money market and capital market transactions;
- The effective control of the risks associated with these activities;
- And the pursuit of optimum performance consistent with those risks.

The Council was required to operate a balanced budget which meant that cash raised during the year would meet cash expenditure. Part of treasury management was to ensure the cash flow was properly planned with cash available when needed. Surplus monies were invested in line with the Council's low risk preferences.

The second function of treasury management was funding the Council's capital plans. The plans gave a guide to the future borrowing need of the Council. The management of this longer term cash flow might involve arranging long or short term loans or using longer term cash flow surpluses. Occasionally, outstanding debt might be restructured to reduce Council risk or meet cost objectives.

The report had been prepared in line with the Treasury Management Code and Guidance (2017) written by The Chartered Institute of Public Finance and Accountancy (CIPFA). In the case of local authorities in England and Wales, the Code was significant under the provisions of the Local Government Act 2003. This required local authorities 'to have regard (a) to such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify'. The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 in paragraph 24 required local authorities to have regard to this guidance. Acceptance of this report fulfilled those obligations. CIPFA had published revised codes on 20th December 2021 and had stated that formal adoption was not required until the 2023/24 financial year.

The report included detailed information on the following matters:-

- The Prudential Code and Prudential Indicators;
- Capital expenditure and the capital financing requirement;
- Minimum Revenue Provision (MRP);
- Affordability prudential indicators;
- Treasury Management Strategy 2023/24 - 2025/26;
- External debt overall limits;
- External v internal borrowing;
- Limits on activity;
- Debt rescheduling;
- Investment strategy;
- Treasury Management Practices (TMP);
- Policy on the use of external service providers; and
- Treasury Management Strategy in-year and year-end reporting.

Attached to the report were 4 appendices:

- Minimum Revenue Provision Policy Statement 2023/24 (appendix 1)
- Treasury Management Policy Statement 2023/24 (appendix 2)
- Treasury Management Practices 2023/24 (appendix 3)
- Capital Strategy 2023/24 (appendix 4)

There were no alternative options for consideration or reasons

Resolved - **That Cabinet recommends Council to:**

(1) Adopt the prudential indicators and limits detailed in the report;

(2) Approve the Treasury Management Strategy, and associated indicators, as set out in section 8 of the report;

(3) Approve the Investment Strategy as set out in section 13 of the report;

(4) Approve that the Minimum Revenue Provision (MRP) for year 2023/24 – Appendix 1;

(5) Approve the Treasury Management Policy Statement 2023/24 – Appendix 2

(6) Approve the Treasury Management Practices Statement 2023/24 – Appendix 3

(7) Approve the Capital Strategy 2023/24 – Appendix 4

283 General Fund - Revenue Budget 2023/24

Cabinet Portfolio Holder for Resources, Councillor Joyce Plummer, provided a report setting out proposals for the 2023/24 General Fund Revenue Budget. It also provided an overview of key issues arising from the Medium Term Financial Strategy. The decision to set the Budget would be a key decision of the Council. The role of the Cabinet was to recommend a proposed Budget to the Council.

Councillor Plummer informed Cabinet that it was the aim of the Council not to draw on reserves or reduce staffing levels. She referred to the impact of Covid-19, the economy, the War in Ukraine and energy costs and the consequences of these. She indicated that the Budget would include growth to help with climate change.

The Leader of the Council referred to the delivery of the capital programme and investment in parks and play areas, disabled facility grants, leisure and development of ICT.

The Leader of the Opposition noted the report.

Councillor Plummer highlighted some key issues from the report as follows:-

- The Council had managed its Budget well in 2022/23, so could set a balanced budget in 2023/24 without draining reserves or making cuts to services or staffing;
- The Council's revenue budget for 2023/24 would require net expenditure of £14,382,673.
- The Council intended to freeze its portion of the residents' Council Tax bill for this financial year.
- It is expected that Lancashire County Council, the Police Commissioner and Lancashire Combined Fire Authority would increase their portions of Council Tax whilst Altham Parish Council had frozen its precept.
- The Council continued to face volatility around some of the most significant items within the Budget and major reforms of local government finance had transferred the risk of business rate revenues and Council Tax benefits to the Council whilst the ongoing impact from Covid-19 and the War in Ukraine was difficult to predict.
- The Council intended to continue the good stewardship of its affairs by continuing the successful policies introduced over the last 19 years to manage costs effectively and promote appropriate service investment, as set out in the report. These

included a number of key projects which would see key investment in council and public facilities.

- The Council carries a significant risk around the level of monies available due to Government reforms to Business Rates Funding of Local Government.

Approval of the report was not deemed a key decision.

Reason for decision

The report included detailed information on the following matters:-

- Medium Term Financial Strategy;
- Continuation Budget;
- Growth pressures;
- Available resources (Core Government Revenue Support Grant (RSG), Business Rates, Council Tax; New Homes Bonus; and other Government funding);
- Budget proposals 2021/22 (general financial pressures; and Budget savings proposals);
- Reserves;
- Risks and risk management; and
- Consultation.

Appended to the report were:

Appendix 1 – Initial Outline Budget 2023/2024
Appendix 2 – Revenue Budget 2023/2024
Appendix 3 – Savings Requirement & Growth Proposals 2023/24
Appendix 4 – HBC Council Tax increase 2023/24 by Property Band
Appendix 5 – Overall Change in Council Tax 2023/24 (estimated)
Appendix 6 – Altham Parish Precept 2023/24 by Property Valuation Band

In summary, the overall Revenue Budget 2023/24 was set out at Appendix 2 to the report. The Budget for 2023/24 would be £14,382,673 and would be supported by a Council Tax levy of £260.64 for a Band D property translating into a revenue source of £5.72m to meet services to the local community. The Budget had been determined in light of continuing upward pressure on costs, the additional costs associated with the War in Ukraine, previous financial difficulties that continued to overhang the Council, the available funding from Government and the Council's strong desire to provide high levels of service to the Community in line with its priorities.

The recommendations in the report provided an appropriate platform on which the Cabinet could recommend a Budget to the Council which would meet the objectives and key priorities of the people of Hyndburn.

Alternative Options Considered and Reasons for Rejection

There had been a wide number of individual proposals put forward to produce a Balanced Budget. Options had been rejected on a variety of grounds including policy objectives, practicalities and the potential for additional costs to be incurred. Further options might be presented at the Council meeting.

Resolved **(1) That Cabinet proposes to Council to freeze Council Tax for 2023/24 at the same level as in 2022/2023, keeping the charge for a Band D property at £260.64;**

(2) That the Budget for 2023/24 would therefore be £14,382,673 as detailed in Appendices 1 to 3;

(3) That Cabinet recommend approval of the changes in budget requirement including inflation, growth and savings identified in Appendix 3 to ensure the Council could set and approve a balanced budget;

(4) That Cabinet noted the significant improvement made in relation to budget monitoring and cost reduction within the Authority over the past 19 years and confirmed its commitment to continuing this approach in the year ahead;

(5) That Cabinet recommended during the financial year 2023/24, the Executive Director of Resources be delegated responsibility to amend the Budget (following consultation with the Leader of the Council) for technical reasons, such as the restructuring of cost centres, the re-apportionment and re-allocation of overheads etc., provided such amendments had an overall neutral impact on the Budget;

(6) That Cabinet recommended during the financial year 2023/24, the Executive Director of Resources be delegated responsibility to amend the Budget (following consultation with the Leader of the Council) should the estimate of Business Rates not be sufficiently accurate, by drawing on reserves if needed or paying over additional contributions to reserves;

(7) That to aid future financial management planning, any surpluses generated during 2023/24 were set aside to help the Council reduce its cost base over the next three years, to support its long term capital programme or to strengthen its overall reserve position;

(8) That Cabinet recommended that the Service Grant awarded for 2023/24 be used to help balance the Council's Budget; and

(9) That Cabinet recommended that the New Homes Bonus and any additional funds from Government that are not ring-fenced funding, as well as any other surplus funds, could be used if required to support capital expenditure as determined by the Executive Director in the overall financing of capital expenditure or be transferred to Reserves.

284 New Scheme Additions to the Capital Programme in 2023/2024

The Cabinet Portfolio Holder, Councillor Joyce Plummer, presented a report inviting Cabinet to consider the Council's capital investment priorities for 2023/24. She requested that Cabinet recommends the new scheme additions to the existing capital programme to Council for approval at its meeting on 23 February 2023.

Councillor Plummer thanked the Finance Team for their hard work in producing this report.

The Leader of the Opposition, Councillor Munsif Dad, referred to an underspend on utilising disabled facility funding and to the importance of people being able to access this funding.

The approval of the report was not deemed a key decision.

Reasons for the Decision

The Report sets out the additions of new schemes to the Council's Capital Programme for 2023/24, as shown in appendix 1. In 2022/2023 the Council significantly increased its funding programme of capital investment centred on its leisure estate and redevelopment of Accrington town centre with a total of proposals for capital investment in excess of £38.5m.

The significant level of investment in 2022/2023 was only possible by the Council obtaining financial support from external organisations and its own effective financial management over recent years which had allowed it to have the funds necessary to finance these major projects when other funding became available.

The 2023/2024 new additions to the capital programme had reduced compared to the £38.5m in 2022/2023. The new additions in 2023/2024 would total £8.38m and would include an increased investment programme of works on the Leisure estate that would only be possible through the Council gaining further financial support from external organisations.

The additions to the programme in 2023/2024 would bring the overall remaining approved capital programme to around £46.26m including £37.88m forecast slippage of the unspent programme from 2022/2023. The forecast slippage from the programme from 2022/2023 included funding of £24m for the recently successful Accrington Town Centre Levelling Up scheme and £12m Leisure estate that would soon be commencing. It is expected that all these works would be undertaken over the next 3 financial years over the term of the Councils Medium Term Financial Strategy.

It was intended that the Council would continue its strong policies of financial management and look only to borrow what it needed to fund these major investment projects. The Council would continue to rely upon securing external sources of funding, using capital receipts, making revenue contributions to capital projects and would use unspent monies to fund its programme. It would also apply a rigorous approach to selecting projects by examining all proposals against its corporate objectives and only selecting the most pressing and deserving projects to fund. This was in accordance with the Council policy of limiting the increase in debt and borrowing costs, while ensuring the Council's objectives were met.

The Revenue implications of the strategy to finance the Capital Programme are a key element in the affordability issues on the Revenue Budget this year. The programme contains a limited amount of risk this year. The level of risk is up compared to previous years due to the size of programme compared to previous years. However to further reduce the risk the Council would be looking to supplement its own project management and cost control capacity by the appointment of experienced professionals in both disciplines for its two largest projects. The Council's overall resources and management systems were believed to be sufficiently robust to effectively monitor these risks and ensure appropriate action was taken if they should materialise.

The Council would continue with its strategy adopted for over 10 years of attempting to reduce its level of debt wherever possible by restricting borrowing and repaying debt and would continue to work extensively with external funders to bring forward realistic plans for Capital investment in the area.

Overall, the Council would be investing an additional £1.855m of its own resources to fund the capital programme additions in 2023/24. There was a significant amount of the total resource available this year dedicated to parks and play areas and council operational assets along with utilising disabled facility funding to continue supporting people with disabilities to maintain independent living in their own homes plus additional investment in key assets and infrastructure.

The details behind all these proposals remained at the outline stage only and further work was required to ensure that these projects provided positive benefits to the Community and the Council. Each project was therefore required to submit further detailed plans if required in order to obtain final approval for expenditure to occur and to obtain final clearance from the Executive Director of Resources, in consultation with the Portfolio Holder for Resources.

The Capital Programme does require a degree of flexibility within it, to respond to sudden demands for Capital expenditure, actions to be taken on the receipts of monies and revisions to proposals as projects are not financially viable or encounter other problems such as securing external funding. The Capital Programme Working Group (CPWG) would report back to Cabinet at frequent intervals throughout the year to ensure Cabinet was kept appraised of the current situation and that any approvals necessary for alteration were obtained.

These schemes represent the best value for money and meet the Council's overall corporate policy objectives, within the funding envelope for the year.

Alternative Options Considered and Reasons for Rejection

A wider programme of funding has not been considered due to the Council's policy commitment to limiting Capital Expenditure to affordable levels and seeking to repay debt.

Resolved

(1) That Cabinet proposes to Council to approve the total cost of new scheme additions to the existing Capital Programme for 2023/24 of £8,373,522, with a cost to the Council of £1,855,000 as set out in Appendix 1;

(2) That Cabinet proposes to Council to approve the funding of the programme by the use of newly anticipated direct external grants totalling £6,518,522 with the remaining funding of £1,855,000 to come from new investment from the Council's resources. External grant funding must be secured before any internal funds are committed to projects that rely on external funding to proceed;

(3) That Cabinet proposes to Council that authority be delegated to the Executive Director of Resources, in consultation with the Portfolio Holder for Resources to flex the programme in accordance with the available funding, provided this does not require any additional borrowing;

(4) That Cabinet proposes to Council that the individual projects within the Capital Programme require the written authorisation of the Executive Director of Resources following consultation with the Portfolio Holder for Resources before commencing and incurring expenditure and that Service Managers provide the Executive Director of Resources with written details of estimated costs of schemes with full justification of the need and benefits from undertaking the capital investments before approval is provided and that approval to commence is delegated to the Executive Director of Resources, in consultation with the Portfolio Holder for Resources. That where he deemed it appropriate, the Executive Director of Resources be given authority to release funding in stages to ensure effective financial control can maintained and project risk managed;

(5) That Cabinet proposes to Council that Projects are timed to minimise the need for borrowing and the Executive Director of Resources be requested to seek project start dates after September 2023 whenever this is practical; and

(6) That Cabinet proposes to Council that in-year underspends are not made available to fund new projects during the year.

285 Asset Management / Fire Safety & Compliance Reserves - Creation of £1m in Reserves

The Leader of the Council, Councillor Miles Parkinson, presented a report requesting Cabinet to approve the re-designation of £1m in capital receipts and earmarked reserves held for a variety of purposes to create 2 new reserves. This would allow the Council to undertake a full review of its operational buildings management requirements and ensure that they achieve fire safety compliance.

The Leader of the Opposition, Councillor Munsif Dad, commented that it was important for the Council to be in compliance with building management requirements.

Approval of the report was not deemed a key decision.

Reasons for Decision

Over recent years, the council’s insurance providers (currently Zurich) have highlighted the risks associated with the condition of buildings and fire safety compliance. The insurance underwriters have requested that the Council undertakes risk compliance works to meet the conditions contained within the insurance policies.

In response to insurer requests, the council’s facilities management team had requested fire safety compliance reviews on several of the operational buildings. This revealed that a significant amount of capital investment would be required across the buildings to bring them all up to the latest fire safety compliance standards.

The Council had employed fire safety consultants to help achieve compliance with fire safety legislation across its estate. Inspections had been undertaken at all the 28 council owned buildings towards the end of 2022 and risk assessment reports had been issued for each building. The reports conclude fire risks within the buildings were deemed to be either ‘tolerable or moderate’, with actions split between:

- Immediate actions required
- Actions required within 30 days
- Actions required at next service visit

In addition the Council’s insurers were producing their own inspections and reports. They have issued two reports; one for the Market Hall and one for the Town Hall including Broadway offices and retail units.

The Facilities Team were working through all the 28 reports in conjunction with building managers, ensuring all ‘immediate actions’ have been dealt with. Cost estimates have been obtained for Broadway offices, the Town Hall and the Market Hall.

The Regulatory Reform (Fire Safety) Order 2005 requires the Council to take general fire precautions, so far is practicable and may reasonably be required, to make its premises safe for employees and visitors.

The initial estimated costs of undertaking the works on the 3 main buildings are as follows:

Building	**Initial Estimate**
Broadway Offices	£303,300
Town Hall	£458,180
Market Hall	£321,780
Total	**£1,083,260**

The above estimates do not include any costs for the other 25 council buildings and have not been subject to a competitive tender.

Fire safety inspections for the remaining 25 buildings will identify additional costs.

Prior to undertaking any fire safety compliance work it would be logical for the Council to ensure the compliance and future capital expenditure requirements of all its operational buildings and develop an Asset Management Plan which aligns with the future requirements of council service delivery to maximise the efficiencies in the use of its operational building resources.

The asset management plan (AMP) will help the Council to continue to develop a strategy to ensure that it optimises its assets in terms of service benefits, financial return and value for money, and demonstrates how the council's property fulfils the following criteria:

- Contributes to the delivery of Corporate Priorities
- Is safe, secure, well maintained and fit for purpose
- Is accessible and contributes directly to the process of service improvement

The Councils facilities management and corporate property teams do not have the capacity and necessary expertise to undertake an asset management review and it will therefore be necessary to use an external consultant to undertake this review and develop the AMP.

The recent announcement of the successful Levelling Up Bid for the Town Centre and the inclusion of the town centre schemes within that bid have enabled capital receipts of £940,000 to become available.

It is estimated that the cost of the asset management consultancy would be in the region of £60,000 and this along with the available capital receipts would enable £1m to be set aside to fund the review and any future capital works.

The financing of the asset management review and any associated works will require the reallocation of existing reserves and capital receipts that will be earmarked towards ensuring the Council is able to prioritise and plan future expenditure that will link to its capital and medium term financial strategies.

The two new proposed reserves are:

New Reserve Name	**£**	**Reserve Type**
Asset Management / Fire Safety & Compliance - Development	60,000	Revenue
Asset Management / Fire Safety & Compliance - Capital Works	940,000	Capital
Total	**1,000,000**	

The funding of the above reserves will come from:

Funding Reserve Name	£	Reserve Type
Green Waste EM Reserve	60,000	Revenue
General Capital Receipts Unapplied	940,000	Capital
Total	**1,000,000**	

Expenditure from these new reserves will only be allowed when the required written approval has been submitted and approved, which at this point the new scheme(s) will be added to the capital programme.

As this review and works are a key to the Council making effective decisions and future capital investment could affect many aspects of the council's work, it is proposed the budget holder for these funds is the Chief Executive. They are best placed to co-ordinate activity across the Council to ensure the funds are effectively used to make a real difference in how the organisation utilises its operational assets and how it delivers services.

Alternative Options considered and Reasons for Rejection

The Council could choose not to create this reserve and attempt to fund any of these works from existing budgets or via the capital programme process each year. Existing budgets are however limited due to the overall financial pressures the Council faces and the capital programme is an annual exercise which will not be sufficiently flexible to allow the Council to act quickly and therefore providing this reserve will allow rapid access to funds as required.

Resolved

(1) That Cabinet approved the creation of 2 new reserves totalling £1m to address asset management and fire safety and compliance, to be funded from capital receipts and other earmarked reserves as detailed in the report (para 4.2); and

(2) That Cabinet approved that the Council's Chief Executive be made the budget holder for the financial management and expenditure of the reserves, as outlined in the report.

Signed:……………………………………………

Date: ……………………………………………………….

Chair of the meeting
At which the minutes were confirmed

REPORT TO:		Cabinet	
DATE:		22 March 2023	
PORTFOLIO:		Cllr Miles Parkinson OBE Leader of the Council	
REPORT AUTHOR:		Steve Riley – Executive Director (Environment)	
TITLE OF REPORT:		Authorisation for making of CPO for Burtons Chambers	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	**Part**	Appendix D Exempt	
KEY DECISION:	**Yes**	If yes, date of publication:	14 February 2023

1. **Purpose of Report**

1.1. To update Cabinet on progress to date with the acquisition of interests in two interventions within the Council's Levelling Up Funding (**LUF**) programme.

1.2. To invite Cabinet to authorise the making of a Compulsory Purchase Order (**CPO**) under Section 226(1)(a) of the Town and Country Planning Act 1990 to acquire compulsorily land, existing rights and interests at Burtons Chambers where agreement cannot be reached in order to deliver the comprehensive 'Accrington Acre' redevelopment which is the subject of the LUF submission.

1.3. The proposed order lands are shown in the draft CPO plan attached to this report at Appendix C, edged in red (the **Order Land**).

1.4. This report also seeks approval for the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services) to agree compensation and acquisition payments where this will avoid the need to compulsorily purchase interests.

2. **Recommendations**

2.1. Subject to satisfactory compliance with the appropriate subsidy control regime requirement and both the Council and the Department for Levelling Up, Housing and Communities signing a Memorandum of Understanding to secure the LUF monies and having concluded that the acquisition of all interests at Burtons Chambers (61-79 Blackburn Road, Accrington, BB5 1JJ) will facilitate the commencement of the redevelopment and improvement of the 'Accrington Acre' within the approved strategic Town Centre Investment Plan (**TCIP**) and that such a redevelopment is likely to contribute to the achievement of any one or more of the following objectives:

2.1.1. The promotion or improvement of the economic well-being of the area

2.1.2. The promotion or improvement of the social well-being of the area

2.1.3. The promotion or improvement of the environmental well-being of the area

Cabinet resolves to take all necessary steps to make and secure the confirmation and implementation of a Compulsory Purchase Order (**CPO**) to acquire compulsorily all or part of the land shown edged red and coloured pink on the plan (**Order Land)** attached at Appendix C entitled ‘Map referred to in the Hyndburn Borough Council (Burtons Chambers) Compulsory Purchase Order 2023’ (the **CPO Map**), together with all rights and interests affecting that land (which may be extinguished or overridden) in order to enable the implementation of the first intervention in the 'Accrington Acre' redevelopment. Those steps include the publication and service of all notices and the presentation of the Council's case at any public inquiry if required.

2.2. That Cabinet resolves to delegate authority to the Executive Director (Environment), following consultation with the Executive Director (Legal & Democratic Services):

2.2.1. to finalise the wording of the CPO and the Statement of Reasons and to make any final adjustments as may be necessary to reduce the boundaries of the CPO Map and take all steps necessary to make and confirm the CPO;

2.2.2. to take all steps to seek to acquire any or all of the necessary interests in the Order Land by agreement or by utilising and implementing any confirmed compulsory acquisition powers;

2.2.3. to negotiate and agree the terms of such acquisitions, settle claims for compensation and to enter into such agreements or deeds necessary for the acquisition of all or part of the Order Land;

2.2.4 that if the Secretary of State authorises the Council to do so, confirm any CPO made.

2.3. That Cabinet resolves to utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of the confirmed CPO.

2.4. That Cabinet authorises, under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of land where the Council is satisfied that it has not been possible following the making of reasonable inquiry to establish ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.

2.5. That in agreeing to recommendations 2.1 – 2.4 above, Cabinet has considered the provisions of the Human Rights Act 1998 so far as they might be applicable in deciding whether or not to make the CPO and all other statutory powers that the Council seeks to exercise and resolves the following:

2.5.1. With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the community of proceeding with the CPO, the making of the CPO resulting in the interference with the individuals rights is justified in the interests of improving the economic, environmental and social well-being of the 'Accrington Acre'.

2.5.2. With regard to Article 1 Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the redevelopment of the 'Accrington Acre' particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the CPO.

2.6. That in agreeing to recommendations 2.1 – 2.4 above Cabinet has had due regard to the Equality Act 2010.

3. Reasons for Recommendations and Background

Background and the need for the redevelopment

3.1. The National Planning Policy Framework (**NPPF**), the Council's Local Plan and Accrington Area Action Plan recognise the need for town centres to accommodate a greater diversity of main town centre uses in order to remain vibrant places for people to visit. Although the focus of the town centre uses will remain comparison goods shopping, it is increasingly recognised that the retail market is undergoing significant changes as a result of the growth of online shopping and other factors and that, in order to remain competitive, town centres need to offer a greater range of services and facilities. Prime amongst these are the growing leisure sectors, flexible working spaces and the increasing demand for restaurants. As detailed below, the proposed redevelopment will strengthen the town centre's offering in respect of these growing sectors.

3.2. Over the past two years the Council has been working with a very experienced consultant and stakeholders to deliver a Town Centre Investment Plan (**TCIP**) to regenerate Accrington town centre. An expression of interest process was run between June and September 2021 seeking ideas for possible TCIP interventions. To assess potential schemes put forward, a rigorous and evidence-led assessment process was established which was based on the HM Treasury ‘Five Case Model’. More than 30 schemes were put forward to the stakeholder Board with 18 - at various stages of development and detail - being included within the final agreed TCIP. These together make up the Accrington Acre redevelopment.

3.3. In creating this TCIP, the Council has engaged regularly with the Accrington Town Centre Stakeholder Group and the Accrington Town Centre Partnership Board which represent a diverse range of local sectors and interests. Survation, a government approved polling organisation was also engaged to undertake representative polling of Hyndburn residents between the 10th and 23rd of August 2021 and all town centre businesses/property owners were asked for their ideas/comments.

3.4. The Council’s agreed TCIP sets out potential investments totalling around £70m which will radically transform Accrington’s prospects for the future and improve the lives and opportunities of local residents. It is important to note that the TCIP builds on more than £55m of public and private investment already invested locally since 2010.

3.5. A number of common themes were highlighted during the public/stakeholder engagement process: a lack of choice and need for an improved and diversified retail offer (especially for eating and drinking), to see a reduction in the number of empty shops and other empty commercial premises and increase visitor and tourist numbers, (footfall) in the town centre. Certain interventions within the TCIP are aimed at addressing these issues.

3.6. The Levelling Up Fund was announced at the 2020 Spending Review and its focus is to provide capital investment in local infrastructure projects that require up to £20m of funding and builds on prior programmes such as the ‘Local Growth Fund’ and ‘Towns Fund’.

3.7. On 16 March 2022 Cabinet gave its formal approval in support of the Council’s TCIP and the LUF submission.

3.8. Cabinet will be aware that the LUF submission included proposals to implement the three principal interventions set out below which meet the LUF funding criteria and therefore offered the best opportunity to the Council in securing LUF funding:

3.8.1. Improvements and redevelopment to the block 61-79 Blackburn Road, Accrington to offer 3 floors of communal workspaces / offices – the intervention known as Burtons Chambers;

3.8.2. Redevelopment of the Indoor Market Hall and outdoor pavilions along Peel Street, Accrington to provide a new food and beverage ‘street food’ style eating, drinking and social meeting space – the intervention known as Market Hall; and

3.8.3. Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2- 4 Church Street, Accrington to provide an exciting new dedicated arts, heritage and culture hub – the intervention known as Market Chambers.

3.9. The Market Hall is within the Council's ownership, and the Council is confident that the lease agreements with current traders will enable the Council to secure vacant possession to allow redevelopment of Market Hall in accordance with the LUF submission.

3.10. Cabinet previously supported the appointment of CBRE, who are a nationally recognised property services consultant, to undertake acquisition discussions on behalf of the Council. CBRE have been in regular discussions with the owners of Burtons Chambers and Market Chambers throughout 2022 and into 2023.

3.11. CBRE submitted heads of terms to the owners of the various interests in Burtons Chambers and Market Chambers who have entered into a dialogue with a view to enabling the Council to acquire these by agreement where possible.

3.12. Progress continues to be made to open dialogue for the acquisition of interests in Market Chambers where a sale by agreement for all properties is not looking likely. If agreement cannot be reached to acquire those interests by agreement, then officers will seek authorisation to make the Compulsory Purchase Order(s) to acquire those outstanding interests needed to facilitate this intervention forming part of the Accrington Acre.

3.13. The Council successfully acquired the freehold interest in Burtons Chambers by agreement in February 2023. However agreement has not yet been reached for the acquisition of the leasehold interests by agreement. Compulsory purchase will be required if private treaty negotiations to acquire the outstanding interests fail, and given the different interests it may not be possible to reach agreement with all of the parties with an interest in the land in the timescale required for delivery. Authorisation is therefore being sought to promote a CPO in parallel with negotiations to acquire the necessary interests in order to ensure that the interventions come forward in a timely manner.

3.14. Hyndburn is the 16th most deprived of 317 local authorities in England, according to the 2019 Index of Multiple Deprivation. Deprivation in the area has deteriorated over the last 15 years (58th most deprived in 2004). Deprivation levels in Accrington are worse than the Hyndburn average, with five of its six wards amongst the 5% most deprived in England. Neighbouring Central and Spring Hill wards are amongst the 1% most deprived in England. Deprivation in employment and income domains are especially poor.

3.15. Economic inactivity is high - an estimated 26% in Hyndburn and 33% in Accrington, compared to 21% nationally. For locals in full time work the average weekly wage is £471.50, around 16% below the North West and

20% below the national average.

3.16. Accrington remains heavily dependent on physical retail with the retail sector accounting for around one quarter of all jobs in the local economy (vs 15% nationally). There is an oversupply of retail space which has not fallen in line with the fall in demand for physical retail. There are 3.7 square metres of retail space per resident in Accrington compared to 2.5 in Hyndburn and 1.8 in England (VOA non-domestic rating: stock of properties 2021).

3.17. The lack of vibrancy reflects/creates a lack of a food and drink offer, with only 5% of jobs in Accrington in the Accommodation and Food Services sector (versus 7% nationally). 59% of Hyndburn's residents rate Accrington's restaurants and cafes as poor. Only 15% rate it a good place to visit (representative Survation polling, summer 2021).

3.18. The historic Victorian Market Hall is the jewel in Accrington's heritage crown and one of the largest market halls of its kind still in existence. However, footfall and trader occupancy levels at Market Hall have fallen over the past three decades and it is no longer fit for modern needs contributing to the oversupply of retail and low-end uses. Half of Market Hall's ground floor stall pitches are unlet. The proposed intervention for Market Hall would refurbish and transform half the market into a food and drink destination that is attractive to locals (50% rarely or never come to Accrington) and those within a c.45 minutes travel distance (2.7m people with £30+bn disposable income). More visitors means more footfall for the town's struggling shops. The town's existing retail and food and drink offer (and visitor offer more generally) is considered poor by Hyndburn's residents and those beyond. As part of the Market Hall intervention, it is proposed that one or possibly two of the large under-used pavilions will be demolished to make way for a high-quality green public realm, better visibility of Market Hall, outdoor eating provision and a reduction in retail space to assist with the area's substantial oversupply of retail provision. Market Hall would diversify the town away from retail and provide a reason to visit, whilst visibly improving Accrington Town Square.

3.19. Burtons Chambers is an important Art Deco Building situated immediately opposite the Town Hall, but it is largely vacant and derelict and has fallen into substantial disrepair. The Council's intervention for Burtons Chambers would restore and transform the building into a co-working space for working and events, with visible activity reducing crime and providing stable weekday daytime and evening demand for the new Market Hall offer and space for local entrepreneurs and small/ medium enterprises to grow.

3.20. Market Chambers is the third piece of the puzzle which has large parts of it vacant and in general is a dilapidated building, in need of major repairs (including roof and exterior) and refurbishment. The negative externality of vacant premises, the poor exterior condition and visually displeasing aesthetic (as a result of the unsympathetic assortment of shop fronts) of these key building facades are felt acutely in the town centre and reinforce existing negative resident/ visitor perceptions and contribute to a spiral of decline. They also contribute to crime, anti-social behaviour and drug use especially. Market Chambers' disjointed use stems in part from a coordination failure with the building in multiple ownership. The Council's intervention will repair the building and refurbish units to a modern standard with a consistent look. In future, this building will again assist in diversifying the town centre and be used to create a new cultural / arts / heritage space, boosting pride and addressing the local cultural 'deprivation'. This building will also provide additional demand for the new Market Hall food and drink offering.

3.21. Historic buildings generally confer a positive externality, including amenity value, meaning not all the benefits from private investment in them are captured by the asset value. They have attributes that are non-excludable and non-rival in consumption – in other words they are public goods. This can mean a lack of private investment in historic buildings. The proposed inventions in these landmark buildings on Accrington’s Town Square have been carefully selected to promote heritage-led regeneration of the town centre and attract visitors in, as well is make it attractive for small businesses to locate their offices there, bolstering aggregate demand in the town’s economy, as well as creating entry level job opportunities for inactive local residents. Greater footfall and increased natural surveillance could also contribute to reducing crime and anti-social behaviour at the heart of town. Investment in these catalytic projects is designed to create a critical mass of complementary uses on Accrington Town Square.

3.22. Achieving the vision for the future of Accrington Town Centre requires a coherent package of interventions right across the town. The interventions set out within the TCIP - whether delivered by the Council or third parties - will improve the quality of life and experience of the town for residents and, at the same time, boost visitor numbers and help create a thriving visitor economy. Creating the Accrington Acre by transforming the area around the Town Square and nearby architectural highlights into the town’s ‘anchor’ and central food, drink, shopping and leisure hub and establishing a range of specialist markets to cater to the people of Accrington and visitors alike.

3.23. Residents of Accrington are most likely to benefit from job opportunities and other outcomes induced. There will be some benefit to those in the wider Travel To Work Area – in addition to Accrington it encompasses Blackburn, Darwen and Rossendale (all outside of Hyndburn). Census 2011 data showed c.3,000 commuter inflows to Hyndburn from Blackburn and Darwen. This is relatively low in comparison to 35,000 people working in Hyndburn suggesting modest ‘beyond-borough’ impacts.

3.24. Redevelopment works for Burtons Chambers are programmed to commence in early 2024, and therefore it is necessary to promote the CPO now to ensure that vacant possession is secured to meet this timeframe. Negotiations will continue with both the freehold owners and the tenants in parallel with the CPO process to seek to acquire the interests by agreement. The Burtons Chambers and Market Hall redevelopments are fully funded from the LUF bid and therefore works can commence as soon as vacant

possession is obtained subject to signing of the Memorandum of Understanding with the Department
for Levelling Up, Housing and Communities regarding the LUF award.

3.25. It is essential for the success of the redevelopment of Accrington Acre for Burtons Chambers to be redeveloped and operational as soon as practicable to promote increased footfall complimented by the opening of the redeveloped Market Hall as a food and drink offering. Together, these 2 interventions will act as a catalyst for the regeneration of the Accrington Acre. Whilst the Market Hall is in the Council's ownership and plans are in place to decant the tenants for January 2024, securing vacant possession of Burtons Chambers for the start of 2024 is essential in order to complete the spending by the LUF deadline of 31 March 2025.

Appointment of preferred developer and partner/operator

3.26. On 13 July 2022 Cabinet noted the procurement strategy produced by MAC construction consultants and supported in principal the preferred procurement route and preferred framework to undertake the intervention redevelopment works. Prior Information Notices (PIN) were posted in June 2022 to inform the market of potential operator opportunities. Soft Market Testing (SMT) has also been undertaken in September 2022. The purpose of this was to gain intelligence on the supply market and to fully understand their capabilities and appetite for Hyndburn Borough Council's requirements, including information that would help define the most appropriate structure, plan and budget for any potential competitive procurement exercise. The Council has procured advice on the various operator / partner / joint venture agreement models from its legal advisors Womble Bond Dickinson. Following the announcement of Hyndburn's LUF bid being successful, the Council will now agree its preferred operator / partner agreement model allowing commencement of the tender exercise which is estimated to be completed in approximately 3-4 months (April-May 2023). Appointing the preferred operator / partner quickly will ensure their involvement at an early stage to guarantee they have bought into the project and allow redevelopment works to commence in early 2024.

Land assembly and obtaining clean title to the land

3.27. The land to be included in the proposed CPO is shown edged red coloured pink (referred to as the Order Land throughout this report). **The total area of land to be compulsorily acquired is 728 sqm.**

Description of the Order Land

3.28. The Order Land is located in an area known as Accrington Acre which is located in the Barnfield ward. If private treaty discussions fail, the extent of the proposed Order Land required for compulsory acquisition will include (in whole or in part) 61-79 Blackburn Road, Accrington (referred to in this report as Burtons Chambers).

Description of interests in the Order Land

3.29. Burtons Chambers is a three storey detached premises (including rear back street) with five ground floor shops and upper floors accessed via stairwells located in each of the two rear corners. The upper floors and three of the ground floor shops are vacant with one ground floor shop (left hand end) operating as a bookmakers (the tenant entity being Done Brothers (Cash Betting) Limited (Done Brothers)) and one ground floor shop (right hand end) operating as a charity (the tenant entity being Derian House Children's Hospice Shop Limited (**DHCH**)). DHCH have a 5 year lease expiring in January 2027 with a tenant break right on 14 January 2025 which can be exercised on 6 months' notice. The lease benefits from security of tenure and so DHCH would have a statutory right to take a new lease at the end of the term. Done Brothers have a 10 year lease expiring in June 2027 with a tenant break right on 24 December 2023 which can be exercised on 6 months' notice. The Done Brothers' lease also benefits from security of tenure. There were also two leases for a term of 1 year held by Riversill Limited, in respect of unit 2b and 71-75 Blackburn Road but break notices have been served by Riversill Limited and these parts of the premises are now vacant.

3.30. The shared co-work space offering does not allow for either of the two existing tenants (Betfred - bookmaker or Derian House - charity shop) to relocate into the redeveloped Burtons Chambers building. Whilst there is no opportunity for either tenant to be relocated within the other two LUF funded interventions, (the Market Hall food & drink offering and the culture, heritage and arts hub), there are numerous vacant commercial/retail properties within the town centre which could accommodate the required relocation before the end of 2023. In addition to these private properties, the Council currently has three vacant units situated along Broadway, opposite the Arndale shopping centre.

3.31. The interests to be acquired in the Order Lands can be seen in the draft CPO Schedule provided as Appendix D (Exempt).

3.32. In order to ensure that the regeneration of the area and development can take place, the Council needs to acquire all of the interests in the Order Land. If agreement cannot be reached voluntarily in a timely manner with those with an interest in the Order Land, it will be necessary for the Council to compulsorily acquire the Order Land.

3.33. Cabinet is therefore asked to authorise the compulsory purchase of the Order Land. The purpose of the CPO would be to allow delivery of redevelopment of Burtons Chambers, which is the first of the three interventions identified as part of the comprehensive Accrington Acre redevelopment and to ensure clean title to land can be transferred to the Council and any developer in a timely manner, free of encumbrances which could otherwise prevent or delay development. The CPO is also necessary to ensure site assembly in a timely manner.

The need for a Compulsory Purchase Order

3.34. The statutory authority for compulsory acquisition is contained within Part IX of the Town and Country Planning Act 1990 (**the 1990 Act**). Section 226 (1)(a) of the 1990 Act empowers local authorities, on being authorised by the Secretary of State, to acquire land compulsorily if they think that the acquisition will facilitate the carrying out of development, redevelopment or improvement of the land. In addition, the Accrington Acre redevelopment would contribute to the promotion of the environmental, social and economic well-being of the Council's area, in accordance with Section 226(1A) of the 1990 Act because:

3.34.1. the redevelopment will contribute to and enhance the role of Accrington town centre by promoting a mixed use of retail, office and leisure redevelopment in an area that needs investment. It will create permanent jobs, in addition to those temporary jobs required during the construction period which will be available to the local labour market;

3.34.2. the redevelopment will provide a high quality retail, co-working office space and leisure mixed use development to serve the needs of the local community and visitors to the area.

3.35. Burtons Chambers is largely vacant and dilapidated, once all interests are acquired the Council will convert it into co-working space raising town centre demand, living standards, footfall and pride. The intervention builds on the change in working habits of society not wanting to be 100% office based and the genuine need for some workers to have a proper work space where this is not possible in their home environment. There has been real interest from existing operators within the region who are very keen to expand their existing locations and are extremely keen to support the new opportunities that Burtons Chambers could offer. Again this helps the diversification away from retail, providing space for local entrepreneurs/SMEs to grow who would provide steady weekday/evening demand for the new Market Hall offer and ultimately improving the visual outlook across the square.

3.36. Members should note that a CPO can only be made if there is a compelling case in the public interest and that the purposes for the making of the order should sufficiently justify interfering with the human rights of those with an interest in the Order. On the basis of the assessment carried out by the Council it must consider that a compelling case exists before a decision is made and consider the contribution to the economic environmental and social well-being of those who live work and visit the area which will be made by the redevelopment. Officers have carried out this assessment and are of the view that as a result of the economic environmental and social well-being benefits arising from this redevelopment there is a compelling case in the public interest for the making of the CPO.

Details of attempts to acquire interests by agreement.

3.37. In late 2021, the Council appointed expert property consultants CBRE to develop and produce an acquisition and engagement strategy for Burtons Chambers and Market Chambers as part of the Council's plans for the regeneration of Accrington Town Centre. Throughout 2022, Cabinet has supported the work of CBRE engaging with the owners on a monthly, sometimes weekly basis and includes dialogue through email/letter and phone. The Council successfully acquired the freehold interest in Burtons Chambers by agreement in February 2023 and approaches have been made to the holders of the leasehold interests in the Order Land. Whilst the Council has recently acquired the freehold interest in Burtons Chambers, the Council considers that having approval for making a CPO would be prudent to allow for all interests to be acquired in a timely manner should it not be possible to acquire the remaining interests in the Order Land by agreement. This will then allow the redevelopment of Burtons Chambers as the first of the three interventions to act as a catalyst for the wider redevelopment of Accrington Acre.

3.38. In promoting a compulsory purchase order, acquiring authorities should have regard to Government guidance. The relevant Government guidance is the Department for Levelling Up, Housing and Communities 'Guidance on Compulsory purchase process and The Crichel Down Rules' which was updated in July 2019 (the **Guidance**). Matters which must be addressed are:

3.38.1. authorities should seek to acquire interests by negotiation where practicable;

3.38.2. there must be a compelling case in the public interest;

3.38.3. there must be a clear idea of how the Council intends to use the land and that the necessary resources are likely to be available to achieve that end within a reasonable timescale;

3.38.4. full details for the funding of the redevelopment are required including timing;

3.38.5. there must be a reasonable prospect of the redevelopment proceeding and be unlikely to be blocked by impediments to implementation;

3.38.6. a CPO can only be made if there is a compelling case in the public interest and that the purposes for the making of the order should sufficiently justify interfering with the human rights of those with an interest in the Order Land;

3.38.7. on the basis of the assessment carried out by the Council it must consider that a compelling case exists before a decision is made. Officers have carried out this assessment and are of the view that there is a compelling case in the public interest for the making of the CPO and interfering with the human rights of those affected by the redevelopment in the event that the private treaty negotiations fail;

3.38.8. in accordance with the advice contained within the Guidance the Council has had careful regard to:-

a) the adopted Local Plan, the draft Local Plan and the National Planning Policy Framework;

b) the extent to which the redevelopment would comply with the Council's statutory requirements to satisfy the well-being test;

c) the financial viability of the redevelopment;

d) whether the acquisition could be achieved by any other means and the redevelopment would not be blocked by planning problems, that there is a degree of certainty that the redevelopment will proceed and that the land comprising the Order Land is required in order to secure the carrying out of the proposed development, in accordance with section 226(1)(a) of the 1990 Act.

3.39. Single unencumbered ownership of the Order Land is required to enable the developments to proceed. Compulsory purchase will enable redevelopment to take place at an early date by providing certainty for site assembly and programming and thus enable the Council's policy objectives for the area to be achieved.

3.40. The Council through CBRE and its appointed agents has attempted, and will continue to attempt, to purchase outstanding interests by agreement. Discussions have taken place and are continuing with those affected by the proposals. However, whilst the Council owns some of the land required to deliver the three interventions, it is not in a position to ensure that it can obtain vacant possession of the whole of the site.

3.41. Some of the Order land is in unknown ownership, and the Council will accordingly invoke the process under Section 6(4) the Acquisition of Land Act 1981 to notify unknown owners including the posting of site notices.

4. <u>The planning position of the Order Land</u>

The planning position is considered in a report prepared by LDA at Appendix B.

5. <u>Funding</u>

5.1. The Council’s £20 million LUF funding submission has been successful (as confirmed in January 2023) and provides for full redevelopment of Burtons

Chambers and the Market Hall plus acquisition and some initial roof and façade works to Market Chambers. In addition, further funding of £1.5 million from Lancashire County Council and £2 million from Hyndburn Council is allocated. A further £2 million LUF contingency reserve has been created by the Council.

5.2. The LUF funding bid included all acquisition costs for sale by agreement or through CPO, including any compensation payments required. The bid also included higher than normal project delivery costs around inflation, risk, contingencies etc.

5.3. The award of funding under the LUF is subject to satisfactory compliance with the appropriate subsidy control regime requirement and both the Council and the Department for Levelling Up, Housing and Communities signing a Memorandum of Understanding. The authorisation to make the CPO is subject to these actions being completed.

5.4. Two further Expression of Interest submission to the value of £5 million each have been submitted to funders, with the submission to the National Lottery Heritage Fund now progressing on to the Development Stage.

6. Reasons for Recommendations

6.1. The recommendations are brought forward in order to progress the redevelopment of the 'Accrington Acre' and contribute to the implementation of the TCIP.

6.2. If the Accrington Acre redevelopment does not take place, then not only would the area continue to decline and have an increasing negative impact on the town centre as a whole but it would not benefit from the investment needed for it to become a vibrant and competitive centre able to meet the changing needs of the public.

6.3. Making the CPO is the most realistic option available to the Council to acquire all the interests necessary to facilitate the proposed redevelopment of the Order Land within the funding timescales if sale by agreement is not achieved. Compulsory purchase processes are fair and reasonable, providing those affected with the opportunity to object and providing the statutory framework for compensation, with a process for disputed compensation claims to be settled by the Upper Tribunal of the Lands Chamber if required.

7. Alternative Options considered and Reasons for Rejection

The Council's preference is to acquire the Order Land by agreement with those with an interest in the Order Land. However, this cannot be guaranteed and therefore a CPO would be needed where agreement cannot be reached in a timely manner.

8. Consultations

8.1. The High Street Task Force (**HSTF**) delivered an expert's support workshop with the Council and a small number of business stakeholders in February 2020. This looked at progressing the recommendations from the Unlocking Your Place Potential diagnostic visit the Council received through the Future High Streets.

8.2. Experts from the Design Council, facilitated two meetings with a new Town Centre Stakeholder Group in March 2021 around unlocking projects and creating a town centre vision. This was followed by HSTF appointed experts facilitating two meetings with the stakeholder group in April and May 2021, around partnership development. The stakeholder group came together for further update meetings in July and September and more recently in August 2022.

8.3. Survation, a government recognised independent polling and market research agency undertook the polling of 500 residents aged 18+ living in the Borough during August 2021. The questions looked at how residents view the town centre, how often they visited, what would make them visit the town centre etc. This information helped the stakeholders and board understand the needs and priorities when considering all town centre interventions.

8.4. A small strategic board was formed from members within the Town Centre Stakeholder Group, with the remit to make strategic recommendations to the Council. This board came together on five occasions in September, November and December 2021 to agree a town centre vision and to discuss / make recommendations on the TCIP and the LUF funding bid.

8.5. A public consultation exercise was undertaken on the proposed TCIP between 11 January and 4 February 2022 which was extended for a further week following requests from residents and town centre businesses.

8.6. There have been numerous reports to Cabinet and Council updating members on the TCIP and LUF submission with Councillors having three further briefings during 2021/22.

8.7. CBRE have held extensive discussions with property owners throughout 2022 and will continue to seek, where possible, purchase by agreement.

8.8. The Leader of the Council, the Council's Chief Executive, Executive Director (Legal and Democratic Services) and the Council's Legal Services Manager have been consulted on the use of CPOs.

9. <u>Implications</u>

Financial implications (including any future financial commitments for the	Cabinet should note that any acquisition of buildings would expose the Council to additional building maintenance, business rates and other associated

Council)	landlord management costs. Whilst the majority of any ownership / landlord short term costs incurred during the redevelopment could be incorporated within the LUF funding bid, if the Council's long term strategic plan was for any building to remain in the Council's ownership, the Council would need to create a suitable revenue maintenance budget and staffing structure to manage the buildings. The award of funding under the LUF is subject to satisfactory compliance with the appropriate subsidy control regime requirement and both the Council and the Department for Levelling Up, Housing and Communities signing a Memorandum of Understanding. The authorisation to make the CPO is subject to these actions being completed. As a matter of general principle all costs associated with pursuing a CPO will be met by the Acquiring Authority. These would include: • time spent by Council staff and consultants in progressing the CPO; • legal costs of the Council (including any time spent by external counsel and legal advisers); • other relevant CPO related costs, including all costs, fees and expenses relating to any public inquiry in respect of the CPO: • payment, to include costs and disturbance payments, to all affected landowners, lessees or tenants which arise from the CPO and are a natural and reasonable consequence of the interests being acquired; and • compensation payments for any statutory nuisance, severance, injurious affection, interference with, disposal or acquisition of rights or interests, which flow as a consequence of the redevelopment. Once the CPO is made and implemented the Council will be liable to meet statutory compensation claims. These risks have been mitigated by being allocated funding within the successful LUF funding bid.
Legal and human	As made clear in the Guidance (Guidance on

rights implications	compulsory purchase process and The Critchel Down Rules), a CPO should only be made if there is a compelling case in the public interest. The Council as acquiring authority should also be sure that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected and are proportionate. The Council will need to consider the Human Rights implications of a CPO: a) The Human Rights Act 1998 incorporated the European Convention on Human Rights (the **Convention**) into domestic law and continues to be relevant. The convention includes provision in the form of Articles, the aim of which is to protect the rights and freedoms of the individuals (including companies). The main articles of the Convention which are of importance in circumstances where the Council is considering making a CPO are Article 8 and Article 1 of the First Protocol. b) Article 1 of the First Protocol protects the right of everyone to a peaceful enjoyment of their possessions. No-one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and the general principals of international law. c) The European Court of Human Rights has recognised in the context of Article 1 that regard must be had to a fair balance which has to be struck between the competing interests of the individual and of the community as a whole. In this case any interference is considered to be proportionate and justified in the public interest to secure the development and the improvements which would follow from any development with the regeneration of the area. d) The compulsory purchase process includes a statutory objection and inquiry procedure. The statutory procedure also provides for the payment of compensation where certain interests in the affected land have been lost. Article 8 is clarified below:

	Article 8(1) provides that everyone has the right to respect for his/her home but Article 8(2) allows the State to restrict the rights to respect for the home to the extent necessary in a democratic society and for certain listed public interest purposes for example; public safety, economic wellbeing, protection of health and protection of the rights of others. When considering Article 8 in the context of a CPO the Council needs to ask the following questions: Firstly, does a right protected by Article 8 apply – to which the answer is "yes". Secondly, has an interference with that right taken place or will take place as a result of the compulsory purchase being made - to which the answer is again "yes". The answers to these two questions being in the affirmative confirms that Article 8 applies and it is therefore necessary to consider the possible justifications for the interference under Article 8(2). There are 3 questions for the Council to consider: Firstly, is the interference in accordance with the law? The answer is “yes”, there being a legal basis for making the CPO under Section 226(1) (a) of the 1990 Act. Secondly, does the interference pursue a legitimate aim? The justification for the CPO is that the redevelopment seeks to improve the economic, environmental and social well-being of the centre of Accrington in the public interest. Thirdly, is the interference necessary in a democratic society? Here the Council must make a balancing judgment between the public interest and the rights of the individual – the CPO must be both necessary and proportionate In this matter it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the wider public, economic and social well-being of local residents, visitors and stakeholders of proceeding with the CPO, the making of the CPO and the interference with the individuals rights is justified in the interests

	of the community in order to effect the improvements. In order to compulsorily acquire land the Council must have a relevant statutory power. In order to rely on the powers in Section 266(1)(a) of the 1990 Act, the Council will need to be satisfied that the proposals are likely to contribute to the achievement of any one or more of the economic, social or environmental well-being of the Borough or part of the Borough. Please see earlier in the report with regard to the justification.
Assessment of risk	The Levelling Up fund spending timescales are extremely tight. The bid criteria requires some capital spending to be made in the financial year 2022/23, but all spending has to be completed by 31 March 2025. Whilst there is the possibility this could be extended to 2026, it will be at the funder's discretion and only in exceptional circumstances. There is a risk of not delivering the interventions within the LUF timescales if the Council is unable to secure the Order Land. The Council is therefore promoting the CPO to provide certainty that the Order Land will be within the Council's control.
Equality and diversity implications	The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to: • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Council in this regard an Equality Impact Assessment (**EqIA**) has been undertaken by AECOM and this is attached as Appendix A to this

	report. Cabinet is advised to consider the EqIA and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.

10. Local Government (Access to Information) Act 1985: List of Background Papers

1.1. LUF and UKSPF Funding and Delivery report to cabinet February 2023
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2700&Ver=4

1.2. Levelling Up update report to Special Overview and Scrutiny Committee December 2022
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=323&MId=2762&Ver=4

1.3. Property Acquisition – LUF Interventions report to Cabinet October 2022
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2697&Ver=4

1.4. Levelling Up Funding bid update report to Cabinet July 2022
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2695&Ver
=4

1.5. Town Centre Investment Plan report to Cabinet June 2022
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2694&Ver=4

1.6. Town Centre Investment Plan and Levelling Up Funding Bid Submission March 2022
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2617&Ver=4

1.7. Town Centre Investment Plan and Levelling Up Funding bid update report to full Council January 2022
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=130&MId=2603&Ver
=4

1.8. Levelling Up Funding Bid update report to Cabinet September 2021
https://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=2611&Ver
=4

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Burtons Chambers - Compulsory Purchase Order

Equality Impact Assessment

Hyndburn Borough Council

February 2023

Delivering a better world

Quality information

Prepared by	Checked by	Verified by	Approved by
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1. Introduction

1.1 Purpose

AECOM has been commissioned on behalf of Hyndburn Borough Council to undertake an Equality Impact Assessment (EqIA) to determine the likely positive and negative impacts that may arise from the proposed Compulsory Purchase Order (CPO) of Burtons Chambers in Accrington. The CPO will facilitate the commencement of the redevelopment and improvement of the 'Accrington Acre' within the approved strategic Town Centre Investment Plan (TCIP).

An EqIA is a systematic assessment of the potential or actual effects of plans, policies, or proposals on groups with protected characteristics[1] as defined by the Equality Act 2010. The purpose of the Burtons Chambers EqIA is to consider how the CPO would contribute to the realisation of equality effects in and around the proposed site. Its aims are to:

- Assess the potential direct impacts that the compulsory acquisition of property interests could have on groups and individuals sharing protected characteristics currently using the Burtons Chambers site;
- Identify ways in which groups with protected characteristics may benefit from the redevelopment of Burtons Chambers and where equality of opportunity may be advanced; and
- Support the Council's fulfilment of the Public Sector Equality Duty (PSED) and identify means of mitigating any identified impacts and continue to update and review such assessment as appropriate.

As of February 2023, the Council successfully purchased the freehold to Burtons Chambers through sale by agreement. Consequently, this report sets out the potential impacts on leaseholders currently located within Burtons Chambers.

1.2 Project background

The premise for the CPO is to acquire compulsorily the land, existing rights, and interests at Burtons Chambers where agreement cannot be reached with current residents and businesses, to deliver the Accrington Acre redevelopment. The redevelopment project is in line with national (the National Planning Policy Framework), regional (Council's Local Plan) and local (Accrington Area Action Plan) policy which recognise the need for improved town centres that offer a greater range of services and facilities. Maintaining and enhancing town centre competitiveness is crucial with the growing popularity of online shopping, virtual working, and post-pandemic trends that incline people to stay at home[2].

In pursuit of this goal, Hyndburn Borough Council in partnership with consultants and stakeholders began developing a TCIP in June 2021. An assessment process was undertaken based on HM Treasury 'Five Case Model' - 30 potential schemes were put forward to stakeholders with 18 potential interventions being included in the final agreed TCIP announced in January 2022.

In March 2022, Hyndburn Borough Council secured Cabinet approval in support of the Council's TCIP and Levelling Up Fund submission[3]. The LUF submission comprised 3 of the 18 potential town-centre interventions, which were:

- Improvements and redevelopment to the block 61-79 Blackburn Road, Accrington to offer 3 floors of communal workspaces / offices – the intervention known as Burtons Chambers;

[1] Protected characteristics are: Age, sex, belief or religion, race, disability, sexual orientation, gender reassignment, marriage/civil partnership and pregnancy and maternity.
[2] Local Government Association, Creating resilient and revitalised high streets in the 'new normal', (2022). Available at: https://www.local.gov.uk/publications/creating-resilient-and-revitalised-high-streets-new-normal#challenges-for-high-streets
[3] Levelling up Fund Submission (March 2022) https://www.hyndburnbc.gov.uk/levellingUFB22/

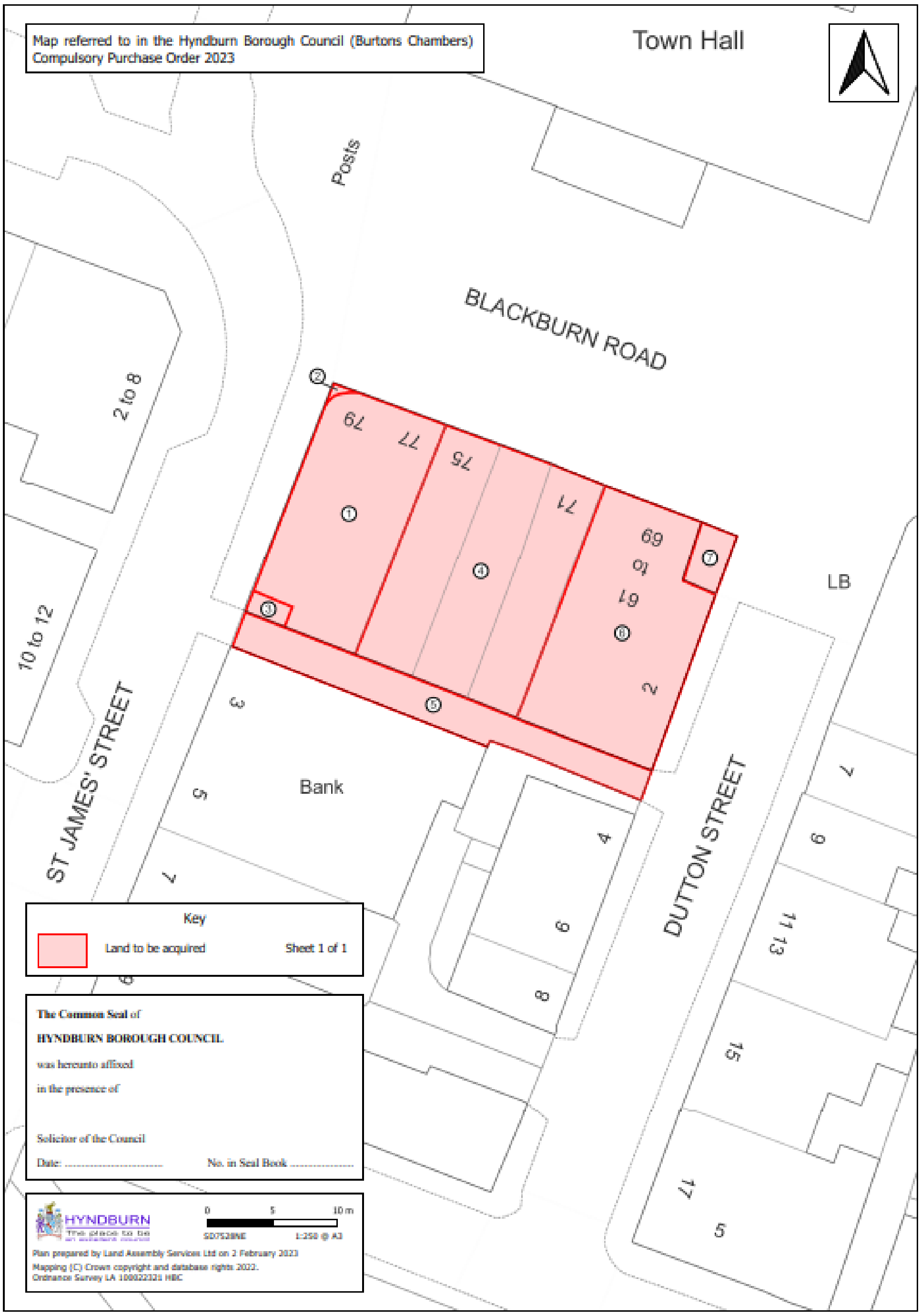
- Redevelopment of the Indoor Market Hall and outdoor pavilions along Peel Street, Accrington to provide a new food and beverage 'street food' style eating, drinking and social meeting space – the intervention known as Market Hall; and
- Improvements and redevelopment to the properties of 43-59 Blackburn Road / 2- 4 Church Street, Accrington to provide an exciting new dedicated art, heritage, and culture hub – the intervention known as Market Chambers.

On 18th January 2023 the Government announced the award of £2.1bn in Round 2 of the LUF, shared across 111 areas; £20m awarded to the three Accrington Acre proposals, supported by £1.5m from Lancashire County Council and £2m from Hyndburn County Council.

1.2.1 Burtons Chambers

Burtons Chambers is described as an important Art Deco building comprising a three storey detached premises (including rear back street), located at 61-79 Blackburn Road. It contains five ground floor shops and upper floors accessed via stairwells located in each of the two rear corners of the building. Figure 1-1 provides a plan overview of the building and land to be acquired under the CPO.

Figure 1-1: Plan overview of Burtons Chambers



Currently, the upper floors and three of the ground floor shops are vacant. The two ground floor shops still occupied are a bookmakers (Betfred) located in the north-easterly corner of the building, and a charity shop (Derian House) located in the north-westerly corner. Figure 1-2 shows a street view image of the building from the north-west corner.

Figure 1-2: Street view image of Burtons Chambers

Source: Google Maps (2023)

Being primarily vacant, the building has become largely derelict and is in a state of substantial disrepair. The Council's proposed intervention for Burtons Chambers will restore and transform the building into a co-working space for working and events.

1.3 Report structure

Following on from this introduction section, the remainder of the report is structured as follows:

Section 2: Methodology – sets out the approach used to undertake the EqIA;

Section 3: Policy and legislation review – provides context through relevant national, regional, and local policy and legislation associated with equalities and regeneration;

Section 4: Evidence base and demographic profile – uses secondary data sources including Census 2021 and 2011 data to form an understanding of residents living within the area;

Section 5: Assessment of potential equality impacts – an assessment of impacts and equality effects of the proposals using the evidence gathered; and

Section 6: Conclusions and recommendations –conclusions and recommendations for enhancing positive equality impacts and minimising potential negative impacts based on available evidence to date.

2. Methodology

2.1 Introduction

This section sets out the approach to assessing the equality impacts of the CPO for Burtons Chambers. The assessment considers how the CPO could impact (both positively and negatively) current tenants of the building who share protected characteristics. In considering the direct and indirect impacts of the CPO, this EqIA takes a 'worst case scenario'.

The approach for this report follows a three-stage process:

1. Desk-based review -including review of relevant national, regional, and local policies and legislation, the proposal documents and secondary datasets relating to groups with protected characteristics;
2. Appraisal of potential impacts -informed by a consideration of the policy context, consultation responses, equalities baseline data; and
3. Providing recommendations and conclusions.

The approach is based on an understanding of the Equality Act 2010, particularly section 149 regarding the PSED, and supporting technical guidance produced by the Equality and Human Rights Commission (EHRC) as well as AECOM's in-house approach to conducting EqIAs.

2.2 Desk-based review

In addition to a review of recent relevant national, regional, and local policies and legislation, the desk-based review included the following:

- Review of all relevant documentation regarding the CPO and redevelopment proposals for the site including design information and other relevant assessment work;
- Review of national and local datasets to develop an equalities baseline profile of groups with protected characteristics within and surrounding the site including Census data; and
- Review of the consultation activities to date in relation to the proposals undertaken by the Council to identify any issues of relevance to this EqIA.

2.3 Assessment of impacts

The assessment of equality impacts considers the information gathered through the above activities. A judgement is made as to how the proposals would contribute to the realisation of effects for people with protected characteristics as defined in the Equality Act 2010.

These protected characteristics are:

- **Age:** this refers to persons defined by either a particular age or a range of ages. This can include children (aged under 16), young people (aged 16-25), older people or pensioners (i.e., those aged 65+), the elderly/very old (i.e., those aged 85+);
- **Disability:** a disabled person is defined as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. It can also include people who have progressive conditions such as HIV, cancer, or multiple sclerosis (MS) - even where someone is able to carry out day to day activities;
- **Gender reassignment:** this refers to people who are proposing to undergo, are undergoing, or have undergone a process for the purpose of reassigning their gender;
- **Marriage and civil partnership:** marriage or civil partnership can be between a man and a woman or between two people of the same sex;

- **Pregnancy and maternity:** pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth;
- **Race:** the Equality Act 2010 defines race as encompassing colour, nationality (including citizenship) and ethnic or national origins;
- **Religion or belief:** religion means any religion a person follows. Belief means any religious or philosophical belief, and includes those people who have no formal religion or belief;
- **Sex:** this refers to a man or to a woman or a group of people of the same sex, while gender refers to the wider social roles and relationships that structure men's and women's, boys', and girls' lives;
- **Sexual orientation:** a person's sexual orientation relates to their emotional, physical and/or sexual attraction and the expression of that attraction.

Although income is not classed as a protected characteristic under the Equality Act 2010, the assessment also considers equality implications from the perspective of low-income households. The assessment considers both disproportionate and differential impacts on groups with protected characteristics. A disproportionate equality effect arises when an impact has a proportionately greater effect on protected characteristic groups than on the general population overall at a particular location.

For the purposes of this EqIA, disproportionality arises:

- where an impact is predicted for the study area, where protected characteristic groups are known to make up a greater proportion of the affected resident population than their representation in Accrington; or
- where an impact is predicted on a community resource which is predominantly or heavily used by protected characteristic groups (e.g., primary schools attended by children; care homes catering for elderly people).

A differential equality effect is one which affects members of a protected characteristic group differently from the rest of the general population because of specific needs, or a recognised vulnerability associated with their protected characteristic. In some cases, protected characteristic groups are subject to both disproportionate and differential equality effects. The EqIA considers impacts on groups of people and not those on specific individuals.

The criteria used to determine disproportionate or differential impacts with respect to protected characteristic groups include:

- People who share a protected characteristic form a disproportionately large number of those adversely affected by the proposals;
- Amongst the population affected by the proposals, people who share protected characteristics are particularly vulnerable or sensitive to a possible impact in relation to their possessing a specific protected characteristic;
- The proposals may either worse nor improve existing disadvantage (e.g., housing deprivation or economic disadvantage) affecting people who share a protected characteristic;
- People with shared protected characteristics amongst the affected population may not have an equal share in the benefits arising from the proposals. This can be either due to direct or indirect discrimination or where the groups experience barriers to realising such benefits, unless suitable mitigations are proposed to overcome those barriers; and
- The proposals may worsen existing community cohesion amongst the affected local population or exacerbate conflicts with community cohesion policy objectives.

3. Policy and legislation review

3.1 UK legislation

3.1.1 Equality Act 2010 and the Public Sector Equality Duty (PSED)

The Equality Act 2010 is a major piece of UK legislation which provides the framework to protect the rights of individuals against unlawful discrimination and to advance equal opportunities for all. Section 149 of the Equality Act sets out the PSED to which the Council, as a public body, is subject in carrying out all its functions, including in the exercise of its CPO powers.

Those subject to the PSED must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the PSED. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled peoples' disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation as described Section 2.3 of this report.

Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first arm of the duty applies to this characteristic, but that the other arms (advancing equality and fostering good relations) do not apply.

3.1.2 Compulsory Purchase Order

Compulsory purchase powers are provided to enable acquiring authorities to compulsorily purchase land to carry out a function which Parliament has decided is in the public interest. Anyone who has land acquired is generally entitled to compensation. Local authorities have CPO powers under the Acquisition of Land Act 1981, the Town and Country Planning Act 1990 and other specific Acts of Parliament to promote development and regeneration. The CPO process comprises several stages, including Resolution to make the CPO, the making of the CPO, the consideration of any objections to the CPO (ordinarily heard in a public inquiry), the inquiry, the confirmation and publication of the CPO, the implementation of the CPO and the assessment and payment of Compensation to affected landowners. The acquiring authority does not have the powers to compulsorily acquire land until the CPO is confirmed by the relevant Government minister or the acquiring authority is directed to confirm the CPO itself where no objections are received and certain criteria are satisfied. However, they can acquire by agreement at any time, and they should endeavour to do so before acquiring by compulsion.

The Government guidance on the CPO process[4] includes an explanation of how the PSED should be considered. The guidance confirms that in exercising compulsory purchase powers public sector acquiring authorities must have regard to the effect of any differential impacts on groups with protected characteristics.

The guidance acknowledges that an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly, or people with a disability to be over-represented in low-income groups. As part of the PSED, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This means that the acquiring authority may need to develop a process which promotes equality of opportunity by addressing problems that people with certain protected characteristics might have (e.g., making sure that documents are accessible for people with sight problems or learning difficulties and that people have access to advocates or advice).

Through the CPO process the acquiring authority should demonstrate that it has considered alternatives to the scheme underlying the CPO, and whether the public benefits of the scheme could be delivered without interfering with the private rights of existing owners and occupiers, or via a method where the impact would not be so detrimental.

3.2 National policy

3.2.1 National Planning Policy Framework

The current version of the National Planning Policy Framework (NPPF) [5] was adopted in July 2021 and consolidates the Government's economic, environmental, and social planning policies for England into a single document and describes how it expects these to be applied. The NPPF provides overarching guidance on the Government's development aims and is supplemented by National Planning Practice Guidance.

While the NPPF does not contain specific guidance on equalities, it does emphasise the importance of sustainable development and the need to support a healthy and just society. This is reflected in the key dimensions of sustainable development which relate to the economic, social, and environmental roles of the planning system:

- *The economic role contributes to building "a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating development requirements, including the provision of infrastructure";*
- *The social role supports "strong, vibrant and healthy communities by "providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being"; and*
- *The environmental role contributes to protecting and enhancing the "natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy".*

The NPPF identifies key principles that local planning authorities should ensure that they consider when performing their functions, including:

- Local strategies to improve health, social and cultural wellbeing for all;
- The delivery of sufficient community and cultural facilities and services to meet local needs;
- The requirement to plan for the needs of different groups within communities.

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[4] Ministry of Housing, Communities & Local Government (2018) Guidance on Compulsory purchase process and the Crichel Down Rules available at https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance
[5] Ministry of Housing, Communities and Local Government, National Planning Policy Framework (2021). Available at: https://www.gov.uk/government/publications/national-planning-policy-framework--2

In Chapter 8, the NPPF outlines how planning policy should help promote healthy and safe communities by taking a positive and collaborative approach to enable development to be brought forward. The NPPF emphasises that planning policies and decisions should aim to create places which offer: opportunities for social interaction and meetings between members of the community through the delivery of mixed-use developments, strong neighbourhood centres and active street frontages; safe and accessible environments which include social, recreational and cultural facilities and services the community needs; a sufficient choice of school places to meet the needs of existing and new communities; and access to high quality open spaces and opportunities for sport and recreation.

3.2.2 Levelling Up Fund

The Levelling Up Fund was first announced in November 2020 as part of the 2020 Spending Review. Its aim is to support local communities in left behind regions of the UK by 'levelling up' their infrastructure. Through smaller scale infrastructure projects, such as regenerating a town centre, that help bring pride to local areas and tackle economic differences that remain between different parts of the country.

Investment from the fund is allocated in rounds, Local Authorities can submit bids for investment worth up to £20mn in each round. Round 1 funding was announced in October 2021 with a total of £1.7bn being allocated to 105 successful applications. Round 2 funding was announced in January 2023 with £2.1bn awarded to 111 projects.

3.3 Regional policy

3.3.1 Pennine Lancashire Growth and Prosperity Plan 2016-2032

The Pennine Lancashire Growth and Prosperity Plan has been produced by Pennine Lancashire Leaders and Chief Executives and covers the five local authority areas of Blackburn with Darwen (BwD), Burnley, Hyndburn, Pendle and Rossendale, and includes Lancashire County Council. The Plan sets out the ambition to accelerate economic growth and housing development in Pennine Lancashire, closing the productivity gap and ensuring that Pennine Lancashire builds on its position as a major contributor to the Lancashire Economy and the Northern Powerhouse.

The Plan aims to provide a basis on which Pennine Lancashire can have; a prosperous economy driven by innovative business, a diversified economy with growth in employment and high value sectors including digital, health and energy, a closure of the productivity gap that exists, and to become a place that people aspire to live in with high quality housing, an attractive lifestyle, cultural and leisure offering. In achieving this vision, by 2032 it aims to deliver:

- 28,000 new homes;
- 1.28 million m^2 of commercial floor space;
- £500mn additional Gross Value Added (GVA) p.a.; and
- 14,000 new jobs.

The Plan comprises four strategic objectives:

- Population, Labour Supply and Housing Growth – attract, grow and retain a skilled working age population through a major house building programme.
- Productivity, Employment Growth and Innovation – improve productivity, especially in advanced manufacturing, with higher levels of private sector led R&D.
- Education, Skills and Workforce Participation – improve educational attainment and remove barriers to work force participation.
- Connectivity and Infrastructure – maximise and promote Pennine Lancashire's competitive advantage as a business location at the centre of the Northern Powerhouse through major infrastructure investment.

3.4 Local policy

Hyndburn Borough Council's new Local Plan is still at the consultation stage hence the Core Strategy and Action Plan from 2012 have been reviewed alongside the TCIP.

3.4.1 Accrington Town Centre Investment Plan (TCIP) 2022-2032

Accrington's TCIP sets out the vision, challenges and strategy for development over the next decade. It was published in January 2022 and supported Accrington's bid for LUF funding that has since been awarded.

The vision for the town centre is based on a drive for regeneration which aims to create a vibrant, bustling and proud market town that forms the gateway to the Pennines and Lake District, and builds on a legacy of hard work and entrepreneurship.

The Plan identifies a number of challenges and opportunities including:

- Economy and visitors – high economic inactivity and low wages for those in work. However, there are opportunities to diversify the local economy.
- Living standards and housing – there are severe pockets of deprivation in Accrington, as well as an oversupply of retail space contributing to a high number of vacant units in the town centre.
- Education and skills – there is significant divergence between the national average and Hyndburn residents achieving A-level qualifications or above. Around 20% of Hyndburn's residents had no qualifications in 2011. The rate of new business failure is also significantly higher than the national average in Hyndburn.

Objectives to measure the success of the TCIP include:

- Increased visitor and tourist numbers
- Improved and diversified retail offer
- Fewer empty shops and other empty commercial premises

Potential interventions included in the TCIP include:

- Market Hall – alongside the town square, this building will form the centre of Accrington Acre. Refurbishment and transformation into a high-end eating, drinking and cultural venue to support small independent traders will be the basis of the intervention.
- Transformation of Burton's Chambers – bringing the Art Deco heritage building back into full use by repurposing its ground floor into cafes, restaurants and high-end retailers, with potential to transform the upper floors into co-working space.

The estimated impact of the Plan was that Accrington will see an additional 73,000-821,000 visitors per year, a £9.6mn per year economic boost, and between 250 and 275 jobs created.

3.4.2 Hyndburn Borough Council Core Strategy (2012)

The aim of the Core Strategy is to establish the strategic policy framework for the development of Hyndburn up to 2026. The Strategy identifies key issues facing the borough to 2026, and addresses interlinked economic, social and environmental issues to produce effective policies and achieve sustained improvement.

Against these issues, the Core Strategy's vision to 2026 is for Hyndburn to be a distinctive, prosperous and vibrant area of Pennine Lancashire recognised for the collective quality and attractiveness of its market towns and landscape setting. Sustainable economic growth will support the Borough in providing a sought-after lifestyle with more skilled local and specialist jobs in the market towns and townships.

3.4.3 Accrington Area Action Plan (2012)

The vision of the Accrington Area Action Plan is that Accrington will become a vibrant floral market town with an excellent quality of place at the heart of Pennine Lancashire. The Plan sets out the statutory planning policy for how Accrington town centre will change over the next 10-20 years. The need to develop the plan stems from six strategic objectives:

- Strengthening the retail position;
- Becoming a visitor destination;
- Enhancing the quality of the environment;
- Improving access, movement and transport;
- Promoting investment and business development; and
- Improving educational and training opportunities.

The Plan identifies that Accrington should emphasise its traditional character and build on its architectural and historical strength around the Market, attracting retailers, business and future redevelopment to the town centre. There is a notable lack of restaurants and a weak evening economy, whilst proposals for new business and workspace hubs will increase economic activity, business start-up and entrepreneurialism in the town.

4. Baseline profile

4.1 Introduction

This section outlines the equalities baseline relevant to the proposed development at Burtons Chambers and the associated CPO. This includes review of Census 2021 and 2011 data and other datasets at the ward and borough level. It should be noted that the most recent Census for England and Wales took place in March 2021, available data from this Census release has been used where possible, with the full census data outputs not scheduled for release until March 2023[6]. Areas analysed are the borough of Hyndburn, as well as Barnfield ward (in which part of Accrington town and the development site are located), and neighbouring Central ward and Spring Hill ward due to their proximity to the site.

4.2 Profile of protected characteristic groups

4.2.1 Age

Table 4-1 outlines the age breakdown by each of the geographical areas defined in section 4.1, according to Census 2021[7].

Table 4-1: Age breakdown by geographical area

Age (years)	Wards						Hyndburn Borough	
	Barnfield		Central		Spring Hill			
	Number	%	Number	%	Number	%	Number	%
0-15	874	18.6	1,835	29.6	1,543	27.6	16,604	20.2
16-64	3,041	64.5	3,793	61.4	3,425	61.3	50,626	61.5
65 and over	799	16.9	552	9.0	621	11.1	15,020	18.3

The data reveals that Barnfield has the lowest proportion of residents (18.6%) aged 0-15 compared to the other geographies, the margin of difference is moderately significant with the next closest area, Hyndburn Borough (20.2%). In contrast, Barnfield's neighbouring wards of Central and Spring Hill have significantly higher proportions of young people, at 29.6% and 27.6% respectively. Barnfield has the highest proportion of residents who are aged 16-64 at 64.5%, the other three geographies having similar proportions (around 61.4%) of people at this age range. Hyndburn Borough has the highest proportion of over 65 residents at 18.3%, whilst at ward level Barnfield has the highest proportion at 16.9%, this is significantly higher than Central and Spring Hill which have 9.0% and 11.1% of over 65s respectively.

Young and elderly people have an increased risk of health issues or sensitivities associated with construction impacts, such as emissions, noise, and vibrations. Elderly people are also more likely to be on low, pension-subsidised, incomes and therefore may be dependent on charity shops such as Derian House.

4.2.2 Sex

Table 4-2 outlines the breakdown of males and females by each of the geographical areas defined in section 4.1, according to Census 2021[8].

[6] https://www.ons.gov.uk/census/censustransformationprogramme/census2021milestones
[7] ONS, TS007 – Age by single year (2023). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100
[8] ONS, TS008 – Sex (2023). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100

Table 4-2: Population breakdown by sex and geographical area

Sex	Wards						Hyndburn Borough	
	Barnfield		Central		Spring Hill			
	Number	%	Number	%	Number	%	Number	%
Male	2,367	50.3	3,089	50.0	2,796	50.1	40,478	49.2
Female	2,339	49.7	3,088	50.0	2,790	49.9	41,756	50.8

The data reveals that the proportion of males to females is broadly similar across all geographies with the share being no more than 0.8% different between the two sexes. Hyndburn Borough had the greatest disparity with 50.8% females compared to 49.2% males, whereas Central ward at the least disparity with a 50.0% split across both.

4.2.3 Sexual orientation

Table 4-3 outlines the breakdown of residents by stated sexual orientation[9]. Census 2021 is the first-time data has been collected at the national level about sexual orientation[10], however, the data is not yet available at ward level. Information on statistics for Hyndburn Borough has therefore been provided.

Table 4-3: Hyndburn Borough population breakdown by sexual orientation

Sexual orientation	Hyndburn Borough	
	Number	%
Straight or heterosexual	59,339	90.4
Gay or lesbian	808	1.2
Bisexual	636	1.0
All other sexual orientations	136	0.2
Not answered	4,712	7.2

Census data reveals that in Hyndburn Borough the majority of residents, 90.4%, reported they were straight or heterosexual. The second highest reported sexual orientation was gay or lesbian at 1.2% of the population, followed by bisexual and then all other sexual orientations at 1.0% and 0.2% respectively. 7.2% of people did not answer the sexual orientation question.

People who identify as LGBTQ+ are at greater risk of being victims of hate crime[11]. Increased footfall and natural surveillance as a result of Accrington Acre redevelopment will potentially reduce incidences of hate crime and boost the confidence of LGBTQ+ people.

4.2.4 Gender reassignment

Table 4-4 outlines residents by stated gender identity within Hyndburn, according to Census 2021 [12]Census data reveals that in Hyndburn Borough the majority of residents, 93.6% reported they were the same sex as registered at birth. The second highest reported gender identity after this was different sex than registered at birth but no specific identity given, at 0.2%. Trans women and trans men both make up the same proportion of Hyndburn's population at 0.1%, although there is a higher actual number of trans men. Non-binary and all other gender identities make up an equal share of

[9] ONS, TS079 – Sexual orientation (detailed) (2023). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100
[10] ONS, Sexual orientation and gender identity (2023). Available at: https://census.gov.uk/census-2021-results/phase-one-topic-summaries/sexual-orientation-and-gender-identity
[11] True Vision, Sexual Orientation Hate Crime (2022) Available at: https://www.report-it.org.uk/homophobic_and_transphobic_hate_crime
[12] ONS, TS070 – Gender identity (detailed) (2023). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100

0.0% of the population, with actual figures of 28 and 13 respectively. 6.0% of people did not answer the gender identity question.

Table 4-4: Hyndburn Borough population breakdown by gender identity

Gender identity	Hyndburn Borough	
	Number	%
Same as sex registered at birth	61,413	93.6
Different from sex registered at birth but no specific identity given	141	0.2
Trans woman	58	0.1
Trans man	73	0.1
Non-binary	28	0.0
All other gender identities	13	0.0
Not answered	3,906	6.0

Trans people are at greater risk of being victims of hate crime[13]. Increased footfall and natural surveillance as a result of Accrington Acre redevelopment will potentially reduce incidences of hate crime and boost the confidence of LGBTQ+ people.

4.2.5 Race

Table 4-5 outlines the breakdown of residents by race for each of the geographical areas outlined in section 4.1, according to Census 2021[14].

Table 4-5: Ethnic groups by geographical area

Ethnic group		Wards						Hyndburn Borough	
		Barnfield		Central		Spring Hill			
		No.	%	No.	%	No.	%	No.	%
Asian, Asian British or Asian Welsh	Asian, Asian British or Asian Welsh	631	13.4	4,230	68.5	2,300	41.2	12,401	15.1
	Bangladeshi	82	1.7	79	1.3	102	1.8	455	0.6
	Chinese	7	0.1	2	0.0	9	0.2	137	0.2
	Indian	16	0.3	51	0.8	35	0.6	363	0.4
	Pakistani	506	10.8	3,914	63.4	2,049	36.7	10,825	13.2
	Other Asian	20	0.4	184	3.0	105	1.9	621	0.8
Black, Black British, Black Welsh, Caribbean or African	Black, Black British, Black Welsh, Caribbean or African	28	0.6	8	0.1	27	0.5	224	0.3
	African	19	0.4	4	0.1	20	0.4	160	0.2
	Caribbean	7	0.1	4	0.1	3	0.1	40	0.0
	Other Black	2	0.0	0	0.0	4	0.1	24	0.0
Mixed or multiple ethnic groups	Mixed or Multiple ethnic groups	72	1.5	94	1.5	114	2.0	1,091	1.3
	White and Asian	43	0.9	65	1.1	69	1.2	573	0.7
	White and Black African	7	0.1	3	0.0	10	0.2	119	0.1

[13] Ibid, 11.
[14] ONS, TS021 – Ethnic group (2023). Available at: https://www.nomisweb.co.uk/query/construct/submit.asp?forward=yes&menuopt=201&subcomp=

	White and Black Caribbean	11	0.2	9	0.1	17	0.3	188	0.2
	Other Mixed or Multiple ethnic groups	11	0.2	17	0.3	18	0.3	211	0.3
White	White	3,945	83.8	1,689	27.3	3,084	55.2	67,984	82.7
	English, Welsh, Scottish, Northern Irish or British	3,727	79.2	1,430	23.2	2,836	50.8	65,471	79.6
	Irish	18	0.4	13	0.2	19	0.3	365	0.4
	Gypsy or Irish Traveller	1	0.0	2	0.0	12	0.2	86	0.1
	Roma	5	0.1	0	0.0	5	0.1	44	0.1
Arab	Other ethnic group	29	0.6	155	2.5	63	1.1	537	0.7
	Other ethnic group: Arab	3	0.1	49	0.8	1	0.0	167	0.2
	Other ethnic group: Any other ethnic group	26	0.6	106	1.7	62	1.1	370	0.4

Census 2021 data reveals that Accrington and Hyndburn are ethnically diverse. Barnfield ward has the highest proportion of White residents at 83.8%, followed closely by Hyndburn Borough at 82.7%. Central and Spring Hill wards have significantly lower proportions of White residents at 27.3% and 55.2% respectively. Correspondingly, Asian, Asian British or Asian Welsh residents make up significant proportions of the populations in these two wards, with 68.5% of residents in Central and 41.2% of residents in Spring Hill reporting being from the Asian ethnic group. In Barnfield 13.4% of residents reported being from the Asian ethnic group, and 15.1% for Hyndburn overall. Arab and Mixed or multiple ethnic groups were the following two groups with the highest proportion of residents across all four geographies, Central having the highest share of Arab population at 2.5%, and Spring Hill having the highest share of Mixed or multiple ethnic group residents at 2.0%. Black, Black British, Black Welsh, Caribbean or African residents made up a small proportion of the population in all areas, the highest being Barnfield with 0.6% and the lowest Central at 0.1%.

People from certain ethnic minority groups are more likely to be unemployed, underpaid, or economically inactive[15]. Employment opportunities created by the redevelopment of Burtons Chambers and Accrington town centre have the potential to mitigate these issues.

4.2.6 Religion or belief

Table 4-6 outlines the breakdown of residents by religion for each of the geographical areas outlined in section 4.1, according to Census 2021[16].

Table 4-6: Religion or belief by geographical area

Religion	Wards						Hyndburn Borough	
	Barnfield		Central		Spring Hill			
	No.	%	No.	%	No.	%	No.	%
No religion	1,512	32.1	700	11.3	1,286	23.0	23,360	28.4
Christian	2,284	48.5	933	15.1	1,718	30.8	41,949	51.0
Buddhist	7	0.1	11	0.2	4	0.1	152	0.2
Hindu	7	0.1	11	0.2	6	0.1	84	0.1
Jewish	2	0.0	3	0.0	0	0.0	28	0.0
Muslim	600	12.7	4,106	66.5	2,267	40.6	12,049	14.7

[15] Devine-Francis, B. Unemployment by ethnic background. (2022) Available at: https://commonslibrary.parliament.uk/research-briefings/sn06385/
[16] ONS, TS030 – Religion (2023). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100

Sikh	0	0.0	5	0.1	2	0.0	30	0.0
Other religion	39	0.8	11	0.2	18	0.3	342	0.4
Not answered	256	5.4	397	6.4	285	5.1	4,242	5.2

Census 2021 data highlights that Accrington and Hyndburn are religiously diverse. No religion, Christian, and Muslim hold the majority share of respondents across all four areas. Hyndburn Borough has the highest proportion of Christian residents at 51.0%, followed closely by Barnfield at 48.5%, Central and Spring Hill have significantly lower proportions of Christian residents at 15.1% and 30.8% respectively. Correspondingly, Central and Spring Hill have the highest proportions of Muslim residents at 66.5% and 40.6% respectively, with Barnfield (12.7%) and Hyndburn Borough (14.7%) being comparatively lower. The area with the highest proportion of respondents having No religion was Barnfield at 32.1%, followed closely by Hyndburn Borough with 28.4%, and then Spring Hill, 23.0%, and Central, 11.3%. All other religious groups made up small proportions (<1%) of the population in all areas, those who did not answer the religion question made up roughly the same proportion across all areas at between 5.1% for Spring Hill and 6.4% for Central.

4.2.7 Disability

Table 4-7 outlines the breakdown of residents by disability categorisation for each of the geographical areas outlined in section 4.1, according to Census 2021[17].

Table 4-7: Disability by geographical area

Disability	Wards						Hyndburn Borough	
	Barnfield		Central		Spring Hill			
	No.	%	No.	%	No.	%	No.	%
Day-to-day activities limited a lot	509	10.8	569	9.2	576	10.3	7,978	9.7
Day-to-day activities limited a little	573	12.2	496	8.0	623	11.2	9,149	11.1
Has long term physical or mental health condition but day-to-day activities are not limited	282	6.0	183	3.0	208	3.7	4,908	6.0
No long term physical or mental health conditions	3,342	71.0	4,929	79.8	4,179	74.8	60,201	73.2

Census 2021 data categorises disability into four categories; day-to-day activities being limited either a lot or a little qualifies as being considered disabled under the Equality Act. For comparison and to provide insight into all available data, two further categorisations available in the Census data have also been provided. Barnfield ward had the highest share of residents whose day-to-day activities were limited a lot at 10.8%, although all areas had broadly similar proportions with the lowest being Central at 9.2%. Barnfield and Central wards also had the highest and lowest shares of residents whose day-to-day activities were limited a little, at 12.2% and 8.0% respectively. Barnfield and Hyndburn Borough had the joint highest proportion of residents who had a long term physical or mental health condition but whose day-to-day activities are not limited, at 6.0%. Correspondingly, Barnfield had the lowest proportion of residents with no long term physical or mental health conditions overall, with Central ward having the highest at 79.8%. Disabled people are more likely to be unemployed than non-disabled people, and as a result are disproportionately likely to be in deprivation[18].

[17] ONS, TS038 – Disability (2023) Available at:
https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100
[18] ONS, Disability by age, sex and deprivation, England and Wales: Census 2021 (2023) Available at:
https://www.ons.gov.uk/releases/disabilitybyagesexanddeprivationenglandandwalescensus2021

4.2.8 Marital status

Table 4-8 outlines the breakdown of residents by legal partnership status for each of the geographical areas outlined in section 4.1, according to Census 2021[19].

Table 4-8: Legal partnership status by geographical area

Legal partnership status	Wards						Hyndburn	
	Barnfield		Central		Spring Hill			
	No.	%	No.	%	No.	%	No.	%
Never married and never registered a civil partnership	1,629	42.5	1,695	39.0	1,591	39.4	24,967	38.0
Married or in a registered civil partnership	1,409	36.8	2,017	46.4	1,742	43.1	27,770	42.3
Separated, but still legally married or still legally in a civil partnership	126	3.3	155	3.6	135	3.3	1,920	2.9
Divorced or civil partnership dissolved	438	11.4	264	6.1	327	8.1	6,618	10.1
Widowed or surviving civil partnership partner	231	6.0	214	4.9	248	6.1	4,357	6.6

Census 2021 data reveals that Central ward had the highest proportion of residents who were married or in a registered civil partnership, at 46.4%. All four areas had broadly similar proportions of residents in this category, with Barnfield being the lowest at 36.8%. Correspondingly, Barnfield had the highest proportion of residents who had never been married or in a registered civil partnership at 42.5%, Hyndburn Borough had the lowest proportion of residents in this category at 38.0%, with Central and Spring Hill having similar proportions of 39.0% and 39.4% respectively. Barnfield also had the highest proportion of residents who were divorced at 11.4%, with Central having the lowest at 6.1%. Central also had the lowest proportion of residents who were widowed at 4.9%, with Hyndburn Borough having the highest at 6.6%.

4.2.9 Pregnancy and maternity

Census 2021 data on pregnancy and maternity has yet to be released, instead ONS annual conception data from 2020[20] has been reviewed to provide insight into the topic. Data is not available at the ward level, however, is partially available at County and Borough level.

In Lancashire in 2020, there were a recorded 15,920 conceptions across all age groups, a conception rate of 74.1 per 1000 women.

[19] ONS, TS002 – Legal partnership status (2023). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100

[20] ONS, Conceptions in England and Wales, (2022). Available at: https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/conceptionandfertilityrates/datasets/conceptionstatisticsenglandandwalesreferencetables

4.3 Deprivation

Census 2021 data provides insight into deprivation across several indicators. Firstly, as outlined under section 4.3.1, household deprivation level[21], and secondly under section 4.3.2 economic activity status[22]. The English Indices of Multiple Deprivation for 2019 (IoD2019)[23][24] has also been reviewed under section 4.3.3, which provides comparison at a national level across seven deprivation dimensions and allows for inspection of information at the Lower-layer Super Output Area (LSOA) level.

4.3.1 Household deprivation level

Household deprivation level reveals deprivation according to how many dimensions a household is deprived in. The four dimensions of deprivation in this data set are:

1. Education: A household is classified as deprived in the education dimension if no one has at least level 2 education and no one aged 16 to 18 years is a full-time student.
2. Employment: A household is classified as deprived in the employment dimension if any member, not a full-time student, is either unemployed or long-term sick.
3. Health: A household is classified as deprived in the health dimension if any member is disabled.
4. Housing: A household is classified as deprived in the housing dimension if the household's accommodation is either overcrowded, in a shared dwelling, or has no central heating.

Table 4-9 outlines the numbers and percentages of households in each deprivation category for each of the geographical areas defined under section 4.1, according to Census 2021:

Table 4-9: Households by deprivation classification by geographical area

Household deprivation	Ward						Hyndburn Borough	
	Barnfield		Central		Spring Hill			
	No.	%	No.	%	No.	%	No.	%
Household is not deprived in any dimension	890	40.8	445	23.8	594	30.3	14,766	42.4
Household is deprived in one dimension	731	33.5	665	35.6	738	37.7	11,847	34.1
Household is deprived in two dimensions	402	18.4	516	27.6	433	22.1	6,092	17.5
Household is deprived in three dimensions	142	6.5	225	12.0	188	9.6	1,985	5.7
Household is deprived in four dimensions	15	0.7	17	0.9	6	0.3	100	0.3

The data reveals that over 57% of households in Hyndburn Borough are deprived in at least one dimension. Barnfield, Central and Spring Hill wards are significantly more deprived, with only40.8%, 23.8% and 30.3% of households not being deprived in any dimension respectively.

[21] ONS, TS011 – households by deprivation dimensions, (2022). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100
[22] ONS, TS066 – Economic activity status (2022). Available at: https://www.nomisweb.co.uk/query/construct/components/stdListComponent.asp?menuopt=12&subcomp=100
[23] Indices of Deprivation, (2019). Available at: http://dclgapps.communities.gov.uk/imd/iod_index.html
[24] Gov.uk, English Indices of Multiple Deprivation (2019). Available at: https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019

4.3.2 Economic activity status

Economic activity is a measure of whether a person was an active participant in the labour market during the period 15th March to 21st March 2021. People aged 16 years and over were considered economically active in the Census if, during this period, they were:

a) In employment (an employee or self-employed);

b) Unemployed, but looking for work and could start within two weeks; or

c) Unemployed, but waiting to start a job that had been offered and accepted.

A person was considered economically inactive if, during the same period, did not have a job, and had not looked for work between the 22nd of February and 21st March 2021.

Table 4-10 reveals Census 2021 data on economic activity status for each of the four geographies outlined in section 4.1.

Table 4-10: Economic activity status by geographical area

Economic activity status	Wards						Hyndburn Borough	
	Barnfield		Central		Spring Hill			
	No.	%	No.	%	No.	%	No.	%
Economically active (excluding full-time students)	2,134	55.7	1,964	45.2	2,019	49.9	36,566	55.7
Economically active (excluding full-time students): In employment	2,002	52.2	1,753	40.4	1,841	45.5	34,663	52.8
Economically active (excluding full-time students): Unemployed	132	3.4	211	4.9	178	4.4	1,903	2.9
Economically active and a full-time student	59	1.5	111	2.6	89	2.2	1,277	1.9
Economically active and a full-time student: In employment	48	1.3	85	2.0	64	1.6	964	1.5
Economically active and a full-time student: Unemployed	11	0.3	26	0.6	25	0.6	313	0.5
Economically inactive	1,640	42.8	2,266	52.2	1,936	47.9	27,788	42.3
Economically inactive: Retired	778	20.3	472	10.9	555	13.7	14,681	22.4
Economically inactive: Student	191	5.0	463	10.7	285	7.0	3,055	4.7
Economically inactive: Looking after home or family	207	5.4	659	15.2	472	11.7	3,563	5.4
Economically inactive: Long-term sick or disabled	324	8.5	381	8.8	378	9.3	4,220	6.4
Economically inactive: Other	140	3.7	291	6.7	246	6.1	2,269	3.5

Excluding full-time students, Barnfield and Hyndburn Borough had the joint highest proportion of residents who are economically active at 55.7%, within this category 52.2% of residents in these areas are in employment and 3.4% are unemployed. Spring Hill has a lower proportion of economically active residents at 49.9%, followed by 45.2% for Central ward. Correspondingly, Central ward has the highest proportion of economically inactive residents at 52.2% of the population, Spring Hill the second highest at 47.9%, followed by Central and Hyndburn Borough at similar levels of 42.8% and 42.3% respectively. Of those who are economically inactive in Central, 10.9% are retired, 10.7% are students, and 15.2% are looking after home or family. Hyndburn Borough has the highest proportion of retired residents at 22.4%, followed by Barnfield at 20.3%, these two areas have similar proportions of students and people looking after home or family, both at around 5% for each category.

4.3.3 English Indices of Multiple Deprivation 2019

IoD2019 provides a measure of relative levels of deprivation in 32,844 small areas or neighbourhoods, called LSOAs, in England. The measure comprises seven distinct domains of deprivation, each with an appropriate weighting, which when combined produce a ranking for each LSOA. The seven domains are:

- Income (weighting 22.5%), measures the proportion of the population experiencing deprivation relating to low income
- Employment (weighting 22.5%), measures the proportion of the working age population in an area involuntarily excluded from the labour market
- Health deprivation and disability (weighting 13.5%), measures the risk of premature death and the impairment of quality of life through poor physical or mental health
- Education, skills training (weighting 13.5%), measures the lack of attainment and skills in the local population
- Crime (weighting 9.3%), measures the risk of personal and material victimisation at local level
- Barriers to housing and services (9.3%), measures the physical and financial accessibility of housing and local services
- Living environment (weighting 9.3%), measures the quality of both ‘indoor’ and ‘outdoor’ local environment

The project area, and parts of wider Accrington town and Hyndburn Borough, experiences high levels of deprivation. LSOA 008B, in which Burtons Chambers site is located, was ranked 241st most deprived area out of 32,844 across England in 2019. Neighbouring LSOA 006A located in the Central ward was ranked 364th, and LSOA 006G located in the Spring Hill ward was ranked 630th. Together these wards, and the majority of Accrington town centre and Accrington Acre project site, comprise some of the 10% most deprived neighbourhoods in the country. In contrast, many of the rural settlement areas in the periphery of Hyndburn local authority district are in the 40% (or less) least deprived neighbourhoods in the country.

The three town centre LSOA’s all rank poorly when considering some of the deprivation domains individually. In the context of this EqIA and intended project outcomes, income, employment, crime, and health have been inspected, as shown in Table 4-11.

Deprivation Domain	LSOAs			Hyndburn Borough
	Barnfield – 008B	Central – 006A	Spring Hill – 006G	
	Rank (Out of 32,844 LSOAs)	Rank (Out of 32,844 LSOAs)	Rank (Out of 32,844 LSOAs)	Rank (Out of 317 local authorities)
Income	951	902	1,585	37
Employment	314	876	957	23
Crime	615	1,528	2,178	48
Health	131	349	675	7

These figures highlight that Barnfield ward is the most deprived across all domains, and therefore has the potential to benefit most from the Accrington Acre redevelopment (notwithstanding the fact all three LSOAs are in very close proximity). Spring Hill ranks as the least deprived in comparison, however, this is likely due to lower urban density towards the south of the LSOA away from the town centre. Across all areas the health domain was consistently ranked the lowest.

4.4 Survation Polling

On behalf of Bradshaw Advisory and Hyndburn Borough Council, Survation[25] carried out a representative poll (mirroring the demographics of Hyndburn Borough) of 505 Hyndburn residents between 10th and 23rd August 2021. All residents in the poll were 18 or over and it was conducted via telephone and mobile call. Residents were asked 32 questions with a variety of answer formats. In the context of this EqIA, a selection of relevant questions and answers have been included below, these are useful to inform and provide evidence behind potential negative and positive impacts of the CPO in section 5.

- *Q1_4. On a scale of 1-5 (where 1 is very poor and 5 is very good) how would you rate Accrington town centre for the following – Historic buildings and architecture?*

  38% voted 3, 17% voted 2, 13% voted 1.

- *Q4. Which of the following statements do you feel most closely represent your views?*

  a) Accrington Town Centre is in need of regeneration and investment

  90% responded yes.

- *Q5. Which of the following statements do you feel most closely represent your views?*

  a) Accrington is good for job opportunities

  12% responded yes.

  b) Accrington is poor for job opportunities

  65% responded yes.

- *Q7. Which of the following statements do you feel most closely represent your views?*

  a) I feel safe in Accrington town centre

  71% of males responded yes. 57% of females responded yes.

- *Q9. When you visit Accrington what is the usual reason for your visit?*

  a) Everyday services (banks, hairdressers, council services)

  62% responded yes.

  b) Non-food shopping

  41% responded yes.

  c) To visit restaurants or cafes

  19% responded yes.

  d) For work

  7% responded yes.

  e) Events

  4% responded yes.

- *Q10_Summary. For the following list do you think there are too many, about the right number, or too few in Accrington town centre?*

  a) Charity shops

  55% responded they think there are too many. 6% responded they think there are too few.

  b) Betting shops

  57% responded they think there are too many. 2% responded they think there are too few.

  c) Small/independent shops

  3% responded they think there are too many. 77% responded they think there are too few.

[25] Survation, Who Are We?, (2023). Available at: https://www.survation.com/who-are-we/

These results highlight several common themes shared across Hyndburn's residents. Primarily, Accrington is a town in need of investment and regeneration, a major impact of which should be to change the currently available selection of retail outlets, services and facilities which are not suited to the desires of the majority of residents. Accrington's historic and architecturally significant buildings are rated varyingly, although it is reasonable to assume that improvements to their quality and reduction in the amount of derelict property would bolster these scores. Responses to feelings, or lack thereof, of safety In Accrington town centre expose the gendered perception and experience of crime[26], something that urban regeneration can play an important role in mitigating[27].

In the context of Burtons Chambers, the majority of residents responded that they believe there are both too many betting and charity shops, with a very small minority responding they believe there are too few (remaining respondents either answered they think there are 'about the right number' or 'don't know'). Conversely, and bearing in mind proposed development to Market Hall, over three-quarters of respondents believe there are too few 'small/independent' shops. Small minorities of residents also responded that they visit Accrington for work (7%) and events (4%), two key target areas for Burtons Chambers redevelopment.

[26] Baldock, K et al., Gender-specific associations between perceived and objective neighbourhood crime and metabolic syndrome (2018). Available at: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6062143/
[27] Borberly, D. and Rossi, G., Urban regeneration projects and crime: Evidence from Glasgow (2022). Available at: https://www.sheffield.ac.uk/media/37669/download?attachment

5. Assessment of equality impacts

5.1 Introduction

The assessment considers the potential impacts on affected people sharing protected characteristics arising from the exercise of CPO powers to acquire and redevelop Burtons Chambers. Firstly, assessment of the direct equality impacts of the CPO have been considered. However, given the nature of the CPO in facilitating the Accrington Acre development, a high-level assessment of indirect impacts has also been included.

5.2 Potential direct impacts

5.3 Business closure/non-viability of business following permanent loss of units

Cabinet previously supported the appointment of CBRE, who are a nationally recognised property services consultant, to undertake acquisition discussions for Burtons Chambers on behalf of the Council. CBRE have been in regular discussions with the owners of these key LUF buildings throughout 2022 and into 2023 to acquire the freehold and leaseholds prior to the redevelopment and as of 16th February, the Council successfully acquired the freehold to Burtons Chambers.

Compulsory purchase will be required if private treaty negotiations to acquire the leasehold interests fail, and given the different interests it may not be possible to reach agreement with all of the parties with an interest in the land in the timescale required for delivery. Authorisation is therefore being sought to promote a CPO in parallel with negotiations to acquire the necessary interests in order to ensure that the interventions come forward in a timely manner.

The CPO process could result in the closure of two businesses including a Betfred betting shop and Derian House charity shop. Without appropriate relocation opportunities, there is the potential for the closure of a number of businesses, where they are unwilling or unable to relocate the business, with some associated loss of employment. This is likely to be particularly important for the charity shop where the current location may provide lower rents in relation to other units within the town centre. It is considered that the successful relocation of existing businesses will depend, in part, on the flexibility of individual businesses, some of which are specific in terms of where they consider an appropriate location for their business to operate successfully.

The purchase of leaseholds ; appropriate compensation (in accordance with the CPO Compensation Code) for costs associated with relocation and disruption in line with guidance; and support with identification of suitable alternative accommodation are considered appropriate measures to assist with mitigation against negative impacts for affected business owners on the site. However, it is important to ensure continued effective collaboration between all interested parties, taking consideration of the differing levels of support needed by individual business owners including where protected characteristics may provide a challenge to relocation.

5.3.1 Loss of shops currently operating from Burtons Chambers

The CPO would result in the loss of two current businesses located within Burtons Chambers including a Betfred betting shop and Derian House charity shop.

The redevelopment proposals for the site provide for a co-working space and do not allow for either of the two existing tenants to relocate within the existing building nor will it be possible for these businesses to relocate to either of the other developments receiving LUF funding.

Equality effects may be experienced where there are patterns in terms of affected customers and their protected characteristics. The charity shop is likely to be used by use more by certain groups including people on low incomes, elderly people[28], or people who have a sentimental bond with the store may frequently shop there and as such the impacts of closing the shop may have more adverse impact on these groups.

Current alternative options for relocation are being considered and include numerous vacant commercial/retail properties within the town centre which would be available before the end of 2023, as well as three vacant Council units situated along Broadway, opposite Accrington Arndale shopping centre just 100m from the site. Relocating the businesses nearby will help to minimise any impacts on customers of the businesses. There are also alternative betting and charity shop options within a short distance of the site for customers using these businesses. Within 200m of Betfred there are at least four other betting shops, including William Hill roughly 50m away, and five charity shops located within 200m of Derian House.

5.3.2 Temporary or permanent loss of employment following closure or relocation of affected businesses

The CPO may result in the closure of businesses, where they are unwilling or unable to relocate the business. Employees and volunteers at affected businesses may experience temporary or permanent loss of income and/or employment until relocated and/or where the employer closes/downsizes/relocates elsewhere.

Equality effects may be experienced where the pattern of affected employees affects a protected characteristic disproportionally or have other protected characteristics which make them more sensitive than others to the effects of relocation. There may be significant disproportionate negative impacts if employees lose their jobs or volunteer positions due to the businesses having to close down or relocate (for example if they do not have viable travel to work options), and if they share a protected characteristic that increases the difficulty of finding new employment or volunteering opportunities.

However, current alternative options for relocation are being considered and include numerous vacant commercial/retail properties within the town centre which would be available before the end of 2023, as well as three vacant Council units situated along Broadway, opposite Accrington Arndale shopping centre just 100m from the site. Relocating the businesses nearby will help to minimise any impacts on employees and volunteers of the businesses. Engagement has been undertaken with both the managers of Derian House and Betfred and this has not identified any issues regarding employees/volunteers with shared protected characteristics which would result in discrimination or disadvantage as a result of relocation.

Continued engagement with leaseholders of Burtons Chambers will help to identify specific needs and issues with relocating with regards to protected characteristics (i.e. the need for reasonable adjustments), and how these may be mitigated. It is also recommended that data is collected from the businesses to ascertain the characteristics of employees and volunteers of the businesses for monitoring purposes.

The new co-working space in Burtons Chambers will also create employment opportunities, a benefit that can be shared by those from protected characteristic groups.

Due to the small number of leaseholders affected there is no specific advance compensation policy in place for this project. However, the Council will support the leaseholders by covering costs at all stages of the relocation process.

[28] May, M. Britain a nation of charity shop lovers. (2016) Available at: https://fundraising.co.uk/2016/09/01/britain-nation-charity-shop-lovers/#:~:text=More%20than%20seven%20in%20ten,shops%20as%20they%20get%20older May, M. Britain a nation of charity shop lovers. (2016) Available at: https://fundraising.co.uk/2016/09/01/britain-nation-charity-shop-lovers/#:~:text=More%20than%20seven%20in%20ten,shops%20as%20they%20get%20older

5.4 Potential indirect impacts

5.4.1 Provision of a new co-working space at Burtons Chambers

The CPO will result in the removal of existing businesses on site and therefore facilitate the redevelopment proposals for a new co-working space at Burtons Chambers.

Post Covid-19 changes to working patterns, in particular the location where people work, supports the continued growth of co-working spaces as environments that accommodate people from different companies and their varied working habits. Such spaces support hybrid working patterns and provide alternative options for people who cannot work from home full time, or at all.

Creation of a co-working space in Burtons Chambers supports the move away from a retail dominated town centre and will potentially facilitate growth of businesses established by local people by providing a modern, attractive space to operate. The benefits of co-working spaces for newly established businesses are widespread, with little or no overhead costs, flexible contract options and modern working environments[29]. This makes them an attractive option for new and small business owners including those with protected characteristics who may find barriers to setting up a new business such as young people, women, ethnic minority groups and disabled people.

A smaller proportion of the ethnic minority population are involved in starting or running a new business in the UK compared to the White population[30]. There is potential that the shared working space could benefit Accrington's ethnic minority residents aspiring to start their own business. It is recommended that targeted actions are taken to ensure the opportunity to utilise the space is received in the local community.

The new co-working space in Burtons Chambers could also create employment opportunities for disabled people; the disability unemployment rate was 7.2% in 2022[31], over double the rate for non-disabled people. An accessible new co-working space that promotes flexible working patterns and targets growth of small local businesses may be an avenue to employment for some disabled people who live in Accrington. The design proposals for interventions have been designed to be fully accessible to all, in accordance with the space, layout and provision guidance within Approved Document M of the Building Regulations and BS 8300.

Whilst the proposals have been developed in close partnership with local partners, continued engagement with local business groups, colleges, forums and business communities would help to understand needs as well as promote local interest and uptake of the co-working space. Interest from existing regional operators has already been identified, however, maximising positive impact for Accrington's residents including those with protected characteristics could be achieved through targeted community engagement.

5.4.2 Local employment opportunities during refurbishment of Burtons Chambers

The refurbishment of Burtons Chambers will result in the creation of temporary jobs which will be available to the local labour market. This has the potential to contribute to reducing the high rates of economic inactivity in the local area especially for those who are generally over-represented in unemployment figures such as younger people, disabled people and people from certain ethnic minority groups.

A procurement strategy[32] has been produced by MAC construction consultants and supported in principle the preferred procurement route and preferred framework to undertake the intervention

[29]Us&Co, The Benefits of Coworking Spaces for Startups (nd). Available at: https://usandco.com/the-benefits-of-coworking-spaces-for-startups/#:~:text=No%20overhead%20costs,worry%20about%20cleaning%20and%20maintenance.Available at: https://usandco.com/the-benefits-of-coworking-spaces-for-startups/#:~:text=No%20overhead%20costs,worry%20about%20cleaning%20and%20maintenance.
[30] Cabinet Office, Race Disparity Audit, (2018). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf
[31] Department for Work & Pensions, Employment of disabled people 2022, (2023) Available at: https://www.gov.uk/government/statistics/the-employment-of-disabled-people-2022
[32] Appendix G of the Hyndburn LUF Application (2022) https://www.hyndburnbc.gov.uk/levellingUFB22/

redevelopment works. Prior Information Notices (PIN) were posted in June 2022 to inform the market of potential operator opportunities. Following the announcement of Hyndburn's LUF bid being successful, the Council will now agree its preferred operator / partner agreement model with the tender exercise commencing in April-May 2023). Appointing the preferred operator / partner quickly will ensure their involvement at an early stage to guarantee they have bought into the project and allow redevelopment works to commence in early 2024.

Social Value was included as a key driver in determining the preferred framework for procurement. A Social Value Plan will be required by the preferred operator/partner including commitments to maximise benefits to the local population in relation to employment outcomes and the use of local labour for any works at Burtons Chambers and the wider Accrington Acre project. This should include specific targets for groups over-represented in unemployment figures including young people, ethnic minority groups and disabled people.

5.4.3 Wider economic employment, and high street resilience benefits

The CPO will facilitate the redevelopment of Burtons Chambers, alongside the wider Accrington Acre development. As a result it is expected that Accrington town centre will experience an economic uplift; increased footfall due to the co-working space, Market Hall and Market Chambers attraction, and boosted economic activity as business is attracted to the area as well as visitors looking to spend.

Encouragement of new footfall to high streets in settlements outside of major urban centres is crucial to their improving their resilience, and ultimately survival, post-covid with the growth of online shopping and rates of people working from home[33]. Accrington Acre constitutes a step towards tackling the ongoing issues faced by the town, including the driving factors behind many of the deprivation domains poor rankings.

The potential positive impacts that CPO of Burtons Chambers will have by facilitating the larger Accrington Acre development are highly significant. Accrington, and Hyndburn Borough, have been historically in decline following the fall of the textile and engineering industry. The project area is now a site of high deprivation and economic inactivity which intersects with a diverse, ageing population. Much of the urban landscape of the town centre is derelict, with many businesses having gone out of business leaving the historical architecture that characterises Accrington to be poorly maintained.

Targeted investment in infrastructure has the potential to catalyse improvements against many of these poor outcomes currently facing Accrington and its residents including those with shared protected characteristics. A co-working space in the heart of the town centre will boost weekday footfall leading to increased economic activity as a result. The space has the potential to provide an environment for local entrepreneurs and SMEs to gain a foothold in the business world, as well as drawing inward business from outside of Hyndburn Borough.

The Council requires the development of a social value plan to be adopted by preferred operator/partner in the delivery of the project. This should include targets to maximise ongoing social value as part of the delivery of the project as well as long term outcomes during operation of the co-working space and Accrington Acre project. The social value plan should be monitored with frequent reporting of outcomes and be continued once the co-working space is operational.

5.4.4 Town centre improvements

The CPO will facilitate the Burtons Chambers redevelopment which is part of the Accrington Acre project and the wider TCIP. This will help to improve the town centre environment making it feel safer and a more pleasant environment for those working and visiting the town.

The quality of town centres and high streets can be determining factors for mental health[34]. Dilapidated and run-down externalities, particularly of architecturally significant premises such as those in question in Accrington, can create a negative atmosphere in urban spaces contributing to ill-

[33] Local Government Association, Creating resilient and revitalised high streets in the 'new normal', (2022). https://www.local.gov.uk/publications/creating-resilient-and-revitalised-high-streets-new-normal
[34] RTPI, Mental health and town planning, (2020). Available at: https://www.rtpi.org.uk/practice/2020/october/mental-health-and-town-planning/#built

health for local residents. Accrington’s poor health deprivation ranking coupled with higher incidence rates of health problems amongst elderly residents represents an opportunity for Burtons Chambers renovation to create a positive impact for people.

As revealed in the IoD2019 data, the wards comprising the project area of Accrington town centre rank poorly in the crime domain. The Survation poll also revealed disparity in feelings of safety between men and women; 57% of women reported they felt safe in Accrington town centre compared to 71% of men. Crime, or perceived fear of it, disproportionately impacts women, elderly people, and some ethnic minority groups. It is likely that the development of Accrington Acre, consequent increased footfall, natural and artificial surveillance, and an improved urban environment could reduce crime rates.

Many groups are more vulnerable to safety and security issues and more exposed to hate crimes these include women, older people, disabled people, people from certain religious groups, ethnic minority groups and members of the LGBT+ community. Improvements to the town centre are likely to be benefit these groups by providing a safer environment for their visit.

5.4.5 Construction impacts during refurbishment

Following CPO of the Burtons Chambers, the building will be refurbished to create a co-working space. This may result in an increase in adverse impacts such as noise and air quality impacts from refurbishments works as well as parking and traffic congestion issues as a result of contractor vehicles. This could be exacerbated by further construction work in the area as a result of the of the wider Accrington Acre project.

Some groups are more sensitive to the effects of these construction impacts than others. For example, the generation of emissions, dust and particulate matter from construction works has the potential to disproportionately effect older and younger people, disabled people, and pregnant people, all of whom have a higher probability of having a weaker immune system and/or respiratory concerns that can be exacerbated by exposure to dust and particulates. Noise and vibrations caused by construction machinery and vehicles can have disproportionate negative impacts on elderly, young and/or disabled people who may have pre-existing conditions making them more susceptible to high levels of noise and vibration.

Temporary diversions to footpaths or roads and parking on pavements may negatively impact on people with mobility issues such as disabled people, older people and people with pushchairs or young children.

A procurement strategy has been developed with contractors being procured in Spring 2023. The scheme is designed to encourage best practice beyond statutory requirements with contractors required to follow the Scheme’s Code of Considerate Practice including the three areas of Respect the Community, Care for the Environment and Value their Workforce.

The construction management plan and traffic management plans for the scheme will also include a range of measures to mitigate and control environmental and traffic-related impacts. Phased works are planned to minimise construction effects on members of the public and construction working hours should be set and adhered to. These measures will assist in reducing any negative impacts as outlined above and therefore minimise negative impacts on protected characteristic groups.

5.5 Summary of potential impacts

Table 5-1 provides a summary of direct and indirect effects of the CPO. This describes each potential impact alongside the potentially effected groups with protected characteristics. Details of planned or embedded mitigation and actions are provided where confirmed, as well as further recommendations to support the enhancement of positive effects and minimising of negative effects.

Table 5-1: Summary of impacts

Potential Impact	Disproportionately/Differentially Affected Protected Characteristic Groups[35]												Planned or embedded mitigation and actions/ Further recommendations
	Age			Sex	Race	Religion	Disability	Transgender	Sexual Orientation	Pregnancy/ Maternity	Socio-Economically Disadvantaged	Overview of potential effects on protected characteristic groups	
	Children	Young People	Older People										
Direct													
Business closure/non-viability of business following permanent loss of units			x	x	x		x			x	x	Any protected characteristics of business owners are unknown at this stage but business closure could affect certain groups more adversely than others, particularly those more vulnerable to cost or health related challenges. However, current engagement with business managers and directors has not identified any specific issues to date.	**Planned actions or mitigation:** Purchase of leaseholds Compensation associated with relocation and support with identification of suitable alternative accommodation. **Recommendations** Continued effective collaboration between all interested parties, taking consideration of the differing levels of support needed by individual business owners including where protected characteristics may provide a challenge to relocation.
Loss of shops currently operating from Burtons Chambers			x								x	Equality effects may be experienced where there are patterns in terms of affected customers and their protected characteristics. The Derian House charity shop is likely to be used more by certain groups including people on low incomes, elderly people and as such the impacts of closing the shop may have more adverse impact on these groups.	**Planned actions or mitigation:** Current alternative options for relocation are being considered and include numerous vacant commercial/retail properties within the town centre Alternative charity shops and betting shops are located within close proximity to the site.

35 As there are no disproportionate or differential effects identified for marriage/civil partnership this protected characteristic has not been included in the table. Socio-economic disadvantage is not a protected characteristic but is considered as part of the EqIA process by the Council.

Potential Impact	Disproportionately/Differentially Affected Protected Characteristic Groups[35]												Planned or embedded mitigation and actions/ Further recommendations
	Age											Overview of potential effects on protected characteristic groups	
	Children	Young People	Older People	Sex	Race	Religion	Disability	Transgender	Sexual Orientation	Pregnancy/ Maternity	Socio-Economically Disadvantaged		
Temporary or permanent loss of employment following closure or relocation of affected businesses			x				x				x	There may be significant disproportionate negative impacts if employees lose their jobs or volunteer positions due to the businesses having to close down or relocate (for example if they do not have viable travel to work options), and if they share a protected characteristic that increases the difficulty of finding new employment or volunteering opportunities for example due to age, disability or socio-economic disadvantage.	**Planned actions or mitigation:** Engagement has been undertaken with both the managers of Derian House and Betfred. This has not identified any issues regarding employees/volunteers with shared protected characteristics which would mean that they would be disadvantaged as a result of relocation at this stage. The new co-working space in Burtons Chambers will also create employment opportunities, a benefit that can be shared by those from protected characteristic groups. **Recommendations** Continued engagement with leaseholders will help to identify specific needs and issues with relocating with regards to protected characteristics (i.e. the need for reasonable adjustments), and how these may be mitigated. It is recommended that data is collected (where possible) from businesses to ascertain the characteristics of employees and volunteers of the businesses for monitoring purposes.
Indirect													
Provision of a new co-working space at Burtons Chambers		✓		✓	✓							The benefits of co-working spaces for newly established businesses are widespread, with little or no overhead costs, flexible contract options and modern working environments. This	**Planned actions or mitigation:** The design proposals for interventions have been designed to be fully accessible to all, in accordance with the space, layout and provision guidance within

Potential Impact	Disproportionately/Differentially Affected Protected Characteristic Groups[35]												Planned or embedded mitigation and actions/ Further recommendations
	Age												
	Children	Young People	Older People	Sex	Race	Religion	Disability	Transgender	Sexual Orientation	Pregnancy/ Maternity	Socio-Economically Disadvantaged	Overview of potential effects on protected characteristic groups	
												makes them an attractive option for new and small business owners including those with protected characteristics who may find barriers to setting up a new business such as young people, women, ethnic minority groups and disabled people.	Approved Document M of the Building Regulations and BS 8300. **Recommendations** Early engagement with local business groups, colleges, forums and business communities would help to understand needs as well as promote local interest and uptake of the co-working space.
Local employment opportunities during refurbishment of Burtons Chambers		✓			✓		✓					The refurbishment of Burtons Chambers will result in the creation of temporary jobs which will be available to the local labour market. This has the potential to contribute to reducing the high rates of economic inactivity in the local area especially for those who are generally over-represented in unemployment figures such as younger people, disabled people and people from certain ethnic minority groups.	**Planned actions or mitigation:** A Social Value Plan will be required by the preferred operator/partner including commitments to maximise benefits to the local population in relation to employment outcomes. **Recommendations** Social Value commitments relating to employment outcomes should include specific targets for groups over-represented in unemployment figures including young people, ethnic minority groups and disabled people.
Wider economic employment, and high street resilience benefits	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Targeted investment in infrastructure has the potential to catalyse improvements against many of these poor outcomes currently facing Accrington and its residents including those with shared protected characteristics.	**Planned actions or mitigation:** The Council requires the development of a social value plan to be adopted by preferred operator/partner in the delivery of the project. **Recommendations** This should include targets to maximise ongoing social value as part of the delivery of the project as well as long term outcomes during operation of the co-working space and Accrington Acre project. The social

Potential Impact	Disproportionately/Differentially Affected Protected Characteristic Groups[35]												Planned or embedded mitigation and actions/ Further recommendations
	Age			Sex	Race	Religion	Disability	Transgender	Sexual Orientation	Pregnancy/ Maternity	Socio-Economically Disadvantaged	Overview of potential effects on protected characteristic groups	
	Children	Young People	Older People										
													value plan should be monitored and with frequent reporting of outcomes and continue once the co-working space is operational
Town centre improvements	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Many groups are more vulnerable to safety and security issues and more exposed to hate crimes these include women, older people, disabled people, people from certain religious groups, ethnic minority groups and members of the LGBT+ community. Improvements to the town centre are likely to be benefit these groups by providing a safer environment for their visit.	n/a
Construction impacts during refurbishment												Some groups are more sensitive to the environmental effects of works than other. For example, older people, children, disabled people, and pregnant people. Temporary diversions to footpaths or roads and parking on pavements may negatively impact on people with mobility issues such as disabled people, older people and people with pushchairs or young children.	**Planned actions or mitigation:** Contractors will be required to follow the Scheme's Code of Considerate Practice including the three areas of Respect the Community, Care for the Environment and Value their Workforce. The construction management plan and traffic management plans for the scheme will also include a range of measures to mitigate and control environmental and traffic-related impacts. Phased works are planned to minimise construction effects on members of the public and construction working hours will be set and adhered to.

6. Conclusions and recommendations

6.1 Conclusions

The exercise of compulsory purchase powers will enable the Burtons Chambers site to be brought under the Council's control, enabling the development to contribute to the improvements in the area including the provision of a new co-working space and wider Accrington Acre project. Following successful purchase of the freehold in February 2023, the CPO of leaseholds will help move the project forward towards realising the identified positive equality effects arising from the planned development, including:

- **A high quality co-working office space** at Burtons Chambers as part of a wider mixed-use development to serve the needs of the local community and visitors to the area;
- **Creation of temporary jobs** during the construction period which will be available to the local labour market. This could provide benefits to those who are over-represented in unemployment figures such as younger people, disabled people and people from certain ethnic minority groups; and
- **Increased economic activity** in and around the town centre caused by a greater footfall of workers and visitors. This in turn will help to **create a safer environment** with more natural surveillance. This is a particular benefit to groups for whom safety and security issues are of more concern, including women, older people, disabled people, ethnic minority group and the LGBTQ+ community.

However, there are some potential **negative** impacts of the scheme resulting from the loss of business on the current site:

- Those who depend on charity shops to buy goods may be over-represented amongst low income and protected characteristic groups. Loss of the Derian House charity shop could have a negative impact for these groups. However, it is recognised that the Council is identifying alternative locations for the shop and that there also a range of other charity shops in close proximity. As such the impact on customers is likely to be minimal.
- Employees and volunteers at affected businesses may experience temporary or permanent loss of income and/or employment until relocated and/or where the employer closes/downsizes/relocates elsewhere. Support with successful relocation of the businesses combined with appropriate compensation should minimise impacts.

Limited information is known on any protected characteristics of owners, employees or customers of these businesses and therefore general assumptions have been made based on secondary data sources as to the level of impact on different groups. The extent to which equality impacts can be minimised will depend on the successful relocation of these businesses to an alternative location within the town centre and compensation awarded to cover costs to leaseholders. The Council should clearly monitor the measures that are implemented and update the EqIA accordingly identifying where any equality issues have been identified in the process and where due regard has been paid to the PSED in the process of relocation.

6.2 Recommendations

The key issues identified through this EqIA for different groups with protected characteristics are summarised in Table 5-1. This also sets out planned mitigation and further recommendations to minimise negative effects and enhance positive effects identified.

Following successful sale by agreement of the freehold of Burtons Chambers in February 2023, the Council should continue to foster good relations with leaseholders and engage with them to identify specific needs and issues with relocating with regards to protected characteristics (i.e. the need for reasonable adjustments), and how these may be mitigated. If it is identified that employees/volunteers share a protected characteristic that impedes them from retaining their employment following relocation, then appropriate support should be provided to signpost the affected employees to find alternative employment or volunteering opportunities.

Creation of co-working space and the potential benefits this can have for the local community and protected characteristic groups should be thoroughly researched. Targeted engagement with local business groups, colleges and forums would help to understand needs and requirements of the co-working space as well as promote local interest and uptake.

The EqIA is a predictive assessment and considers the effects of the CPO on groups of people rather than on individuals. The recommendations outlined are therefore suggested to minimise effect on recognised groups with protected characteristics in area at the time of the assessment. Monitoring the progress of the CPO with regards to relocation of business occupiers and employees should be undertaken where possible. This would help to determine the success of any measures with regards to relocation of tenants and help to develop best practice with regards to future developments.

This EqIA should be considered as a live document, and should be updated, refreshed and the actions within it monitored on a regular basis. This should include a monitoring update on the status of identified potential impacts and associated mitigation using Table 5-1. This may result in updates both to assessment of the impacts and to the recommendations relating to the proposed mitigation measures.

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Appendix B

Planning position of the Order Land

Feb 2023

Background

This section sets out the planning considerations relevant to the Order Land (Burtons Chambers, 61-79 Blackburn Road) and an overview of the planning policy context, considerations of the proposals against those policies, and requirements in terms of obtaining the relevant planning consents in order to implement the proposals for Burtons Chambers.

The land is subject to a number of statutory planning designations which are relevant to its suitability for redevelopment. In particular:

- The site is within the designated area of Accrington Town Centre
- The site is within Accrington Town Centre Conservation Area
- The site is partially within Flood Zones 2 and 3 (medium and high risk)
- The building is locally listed.

In addition, the context of the site is an important consideration. The building is adjacent to the Grade II* listed Accrington Town Hall located to the north, and in proximity to two further listed buildings; Market Hall (Grade II listed) to the north east and the Mechanics Institution (Grade II listed) to the south west.

Development in this location must therefore consider the site's constraints and opportunities which primarily relate to the heritage and significance of the Conservation Area, the setting of adjacent listed buildings and the location partly within an area at a high risk of flooding.

The building does not have any associated public realm, parking or other ancillary uses that should be considered as part of the redevelopment proposals. However, it is worth noting the site's highly sustainable location within Accrington Town Centre with a range of existing facilities available in the immediate vicinity, and in proximity to Accrington railway station and a number of bus services.

The existing building is primarily in retail use (Class E (a)) with one ground floor unit in use as a betting shop (sui generis) as consented in 2016 (ref. 11/16/0260) for the change of use of ground floor from shop (A1) to betting shop (sui generis)). A second ground floor unit is in retail use (Class E(a)) currently occupied by a charity shop. The remainder of the building is vacant and its lawful use is considered to be E(a) retail.

The building was originally constructed in 1927 according to the date stone laid into the pilasters, for the purpose of retail, in an art deco style.

The proposed improvements and redevelopment would see the change of use of the building to introduce three floors of communal workspaces and offices, as well as improving the façade of the building. An additional storey is also proposed to be added to the building, providing further communal workspaces.

Policy Context

The proposed works to Burtons Chambers would need to be appraised against the relevant planning policy context which comprises:

- National Planning Policy Framework (2021)
- Hyndburn Core Strategy (adopted 2012)
- Hyndburn Council Development Management DPD (2018)
- Saved Policies from the Local Plan (1996) including the Proposals Map
- Accrington Area Action Plan (2012, reviewed 2018)

Other documents relevant to proposals for Burtons Chambers are:

- Accrington Town Centre Conservation Area Management Plan (May 2008)
- Accrington Town Centre Investment Plan 2022 - 2023

With regards to the local development plan, the Council recently consulted on a Reg 19 Proposed Submission Version Plan – 'Hyndburn 2037: Local Plan (Strategic Policies and Site Allocations). The consultation ran from November 2022 to January 2023, and the Council are currently considering the responses received.

The draft Plan provides a policy framework for investment in Hyndburn's town centres, with a particular emphasis on supporting proposed major new investment in Accrington Town Centre, including the improvement and redevelopment of existing buildings and new uses that will attract people into the Town Centre. Draft Policy SP7 'Accrington Town Centre' states:

Policy SP7: Accrington Town Centre

1) Accrington Town Centre will consolidate and develop as the principal centre and historic market town, providing for the Borough's key services and comparison and food retailing needs. The regeneration of Accrington Town Centre will be supported through the following:
   i. The improvement and redevelopment of shop fronts / facades and building improvements;
   ii. Improvements to public realm through tree planting schemes and public art in Accrington Town Centre;
   iii. Development that will attract people into Accrington Town Centre by increasing the range and quality of goods or services available;
   iv. Developments that will attract businesses into the town centre and bring buildings back into use in creative and innovative ways such as live / work schemes;
   v. Improvements to the accessibility and connectivity of Accrington Town Centre to facilitate access by all groups of the community;
   vi. Residential developments where they are shown to support the restructuring of the housing market and the benefits of apartment development can be demonstrated. All residential development should meet the nationally described space standards.

2) Developments affecting a heritage asset should sustain and enhance the significance of the heritage asset and new development should make a positive contribution to the character and distinctiveness of Accrington.

It is envisaged that the draft Plan will be submitted for independent examination later this year. Given the advanced stage of the draft Plan is it likely to be afforded some/limited weight in decision making at present.

The Local Development Scheme also identifies the need for the Accrington AAP to be reviewed in the future in line with the requirements of the NPPF and to address challenges faced by the town centre.

At the regional scale, the Pennine Lancashire Growth and Prosperity Plan 2016-2032 was produced covering five local authority areas including Hyndburn to set out the ambition to accelerate economic growth and housing development. This is not a statutory planning document but forms part of the framework within which proposals at Burtons Chambers sits, for delivering significant growth in the working age population and ensuring Pennine Lancashire retains its position as a major contributor to the Lancashire Economy.

Development Appraisal

The Accrington Town Centre Investment Plan identifies Burtons Chambers as an important building to be brought back into full use, currently being largely vacant at ground floor level and completely vacant at upper floors. The Plan identifies the opportunity for cafes, restaurants and the introduction of co-working space or commercial premises. There is an overall aim to reduce the amount of empty shops and dependency on the retail sector within the Town Centre. The Accrington Area Action Plan (2012) also identifies the need to diversify the offer in the town centre in order to create a destination and address deficiencies in uses including offices. The Pennine Lancashire Growth and Prosperity Plan (2016-2032) identifies the need for office accommodation to accommodate growing indigenous businesses. The principle of bringing the building back into a viable use is therefore strongly supported, and addressing the current issue of overprovision of retail floor space and high levels of vacancy in the town centre are priorities in policy terms that supports an alternative appropriate use for the building.

The location of the building within the designated area of Accrington Town Centre means it is well placed to support employment generating uses including office accommodation (Core Strategy Policy A2; Development Management DPD Policies DM1 and DM3 and Accrington Area Action Plan Policy ATC4). Planning Policy is supportive of the principle of the repurposing and redevelopment of the building. The NPPF promotes and supports the development of under-utilised land and buildings (paragraph 120 (d)). It also supports development which aim to '*create conditions in which businesses can invest, expand and adapt*' and *places 'significant weight on the need to support economic growth and productivity'* (para 81). This is also reflected in the emerging Local Plan which includes direct policy support for investment in and reuse of existing buildings in the Town Centre and to encourage uses that will attract new footfall people into the centre.

The proposal to bring the building back into full use will support the future of the locally listed building, and the retention of such buildings is fully supported in policy (DM DPD Policy DM22). The principle of positively conserving and enhancing the historic environment, including heritage assets most at risk of neglect and decay is also strongly supported (para 190).

The detail of the proposals will be subject to assessment to demonstrate that they would be in accordance with the technical considerations set out by planning policy.

Heritage

The building is recognised as architecturally important, as reflected by its locally listed status. Improvements to the façade of the building are noted as a priority by the Accrington Town Investment Plan. The NPPF (para 194) requires applications to describe the significance of heritage assets in order to understand the potential impact of the proposal on its significance.

The development is required to preserve and enhance the special character and appearance and setting of the Conservation Area and adjacent listed buildings. By bringing the building back into use, and ensuring that the building's façade is restored and enhanced, the proposals would accord with the requirements of Policy DM22 (Development Management DPD) which also encourages the sympathetic maintenance and enhancement of locally listed buildings. The details of the proposals will need to have cognisance of these policies and should be accompanied by a repair strategy in order to identify how the relevant works will be delivered.

The addition of a storey and terrace to the roof of the building needs to be carefully designed to align with the building's historic fabric, and the character and appearance of the Conservation Area. Views along St James' Street north towards the GII* listed Town Hall and south towards the Mechanics Institute (GII listed) should be considered to ensure proposals protect the special collective character of the suite of buildings and respect the historical context. Any residual harm to the Conservation Area would need to be weighed against the public benefits of bringing the building back into use, and introducing a consolidated use for the building which generates natural surveillance and activity in the town centre. This should be supported by evidence to demonstrate that the repurposing of the building relies on the additional storey as part of the viability and business case for the project.

Design

As the proposals develop, it will be important to ensure they are designed to a high standard (DM DPD Policy DM1). Within the town centre, proposals should be of an appropriate scale, height, density, massing and appearance and relate well to surrounding buildings, spaces and building lines in order to enhance the town centre and historic environment, as well as considering the impact on views and skylines (DM DPD Policy DM26; Accrington Area Action Plan Policy ATC13).

Any extension to the building would need to be sensitively designed to the existing building and street scene, having regard to the heritage context. This would include a built form which is sympathetic in scale and form, possibly to extend across the full elevation of the building but with an appropriate set back to reduce the impact. Use of materials (type and colour) would also need to be considered, to ensure it fits with the existing building and is in keeping with wider character when viewed from a longer distance, including views along St James Street looking towards the Town Hall.

New development will need to demonstrate should sustain and enhance the significance of the heritage asset and new development should make a positive contribution to the character and distinctiveness of Accrington.

Flood Risk

The building is partially within Flood Zones 1, 2 and 3 (low, medium and high risk). The use of the building for office accommodation is appropriate in areas of high flood risk in accordance with Planning Practice Guidance.

Type and requirement for a planning application

The building is currently in use as retail (Use Class E(a)) with one ground floor unit in use as a betting shop (sui generis) as consented in 2016 (ref. 11/16/0260) for change of use of ground floor from shop (A1) to betting shop (Sui Generis)).

In accordance with the General Permitted Development Order (2015) (amended), Part 3 Class A – development consisting of a change of use from article 3(6)(n) (betting office) to a use falling within

Class E of Schedule 2 would be permitted development subject to the developer providing written notification to the local planning authority on the date on which the use of the building will change. The change of the existing retail element to offices would not consist of a change of use, as both uses fall within Class E (Town and Country Planning (Use Classes) Order 1987)(as amended).

There is therefore no requirement to apply for full planning permission for the change of use of the building to provide communal working or office accommodation, where it falls within the definition of Use Class E.

Given the location of the building within Accrington Town Centre Conservation Area, and adjacent to the Town Hall, new development involving the extension of the building is required to respect the historical context, preserve and enhance the character and appearance of the conservation area and accord with local, regional and national planning policy (Conservation Area Management Plan Proposal 8). It is important to note that the special interest of the Conservation Area is *'derived predominantly from its collection of fine nineteenth and early twentieth retail, commercial, civic and ecclesiastical buildings that are arranged around the east-west axes of Blackburn Road, Cannon Street and Warner Street'* of which Burtons Chambers forms part. Therefore although the building is not listed, it is locally listed and recognised for its distinctive architecture and its role in the transition of the town from an agricultural to industrial settlement.

An application for external alterations, the proposed additional storey and roof terrace to the building will be required. Alterations involving the repair and enhancement, or alterations to the existing façade reflective of the proposed use (such as ground floor shop front changes) should be sensitive to preserving and enhancing the Conservation Area and setting of adjacent listed buildings, and are welcomed and supported by planning policy given the building's current state of disrepair.

The proposed addition of a storey to the roof of the building would need to demonstrate it has been sensitively designed and relate well to surrounding buildings and building lines (Area Action Plan Policy ATC11). It would also need to safeguard important views to, from and within the area (Policy ATC13). The height and position of the roof extension would need to consider the requirements of Proposal 10 of the Conservation Area Management Plan (CAMP) which sets out that development will *'not be permitted to exceed 16m above adjacent ground level within 250m of the spire of the Baptist Church, Cannon Street'.* From initial calculations, it appears that the existing height of the building is already c. 16m and therefore the addition of another storey will exceed the threshold set out in the CAMP. Justification will therefore need to be provided to support the conflict:

- Benefit of bringing the building back into use and investment in the existing appearance and condition;
- Active use within the town centre and increased footfall and local expenditure;
- Viability case and the need for the additional storey to support the proposal; and
- Sensitive design and no harmful heritage impacts

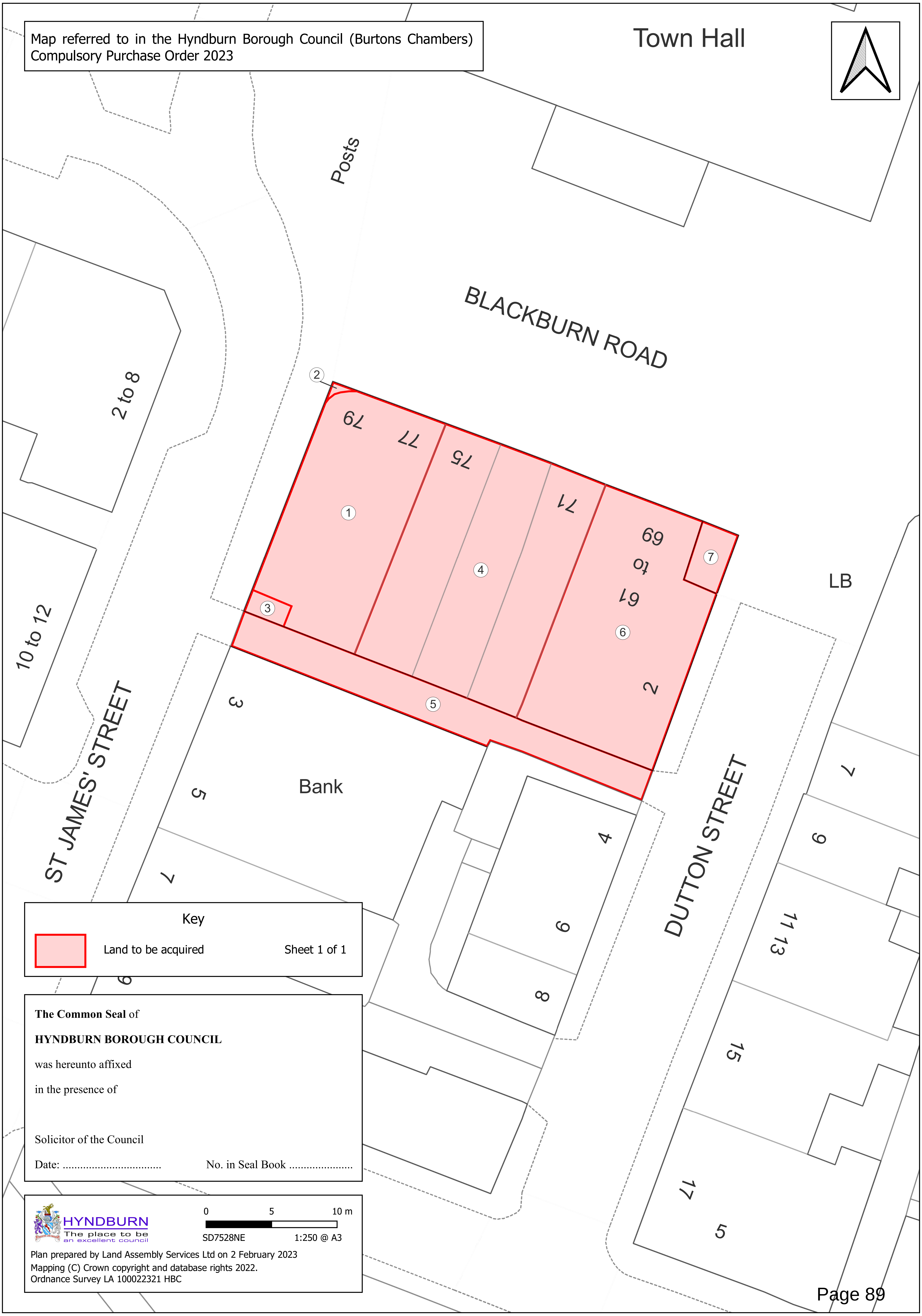
The use of the roofspace for an external amenity area or roof terrace is not likely to conflict with any policies in principle, but it would need to be demonstrated that there would be no material impacts arising which would conflict with Core Strategy Policy ENV7 relating to environmental amenity.

Summary

The existing Burtons Chambers is an important locally listed building, in a prominent position within the Accrington Town Centre Conservation Area and adjacent to key listed buildings, primarily the Grade II* listed Town Hall. The building therefore forms an important role, contributing to the character of the Conservation Area and its special interest derived from the collection of nineteenth and early twentieth century buildings arranged around the key axes in the town centre. Bringing the building back into full use, and in particular for use as communal working spaces is supported in principle by planning policy and would not require a planning application to change its use from the current retail and betting shop uses (falling under permitted development regulations). The proposed use is also consistent with the aspirations of the Accrington Town Centre Investment Plan and Accrington Area Action Plan which seek to diversify the uses in the town centre to create a more resilient place and reduce reliance and prevalence of retail.

A full planning application would be needed for any external alterations to the building including enhancements to the façade and the upward storey extension to the roof. The design of these proposals would need to be developed and should ensure cognisance of the relevant policies which can be achieved by ensuring they respond to the heritage setting of the building, demonstrated through details submitted with the planning application.

Map referred to in the Hyndburn Borough Council (Burtons Chambers) Compulsory Purchase Order 2023



Key

Land to be acquired

Sheet 1 of 1

The Common Seal of

HYNDBURN BOROUGH COUNCIL

was hereunto affixed

in the presence of

Solicitor of the Council

Date: .... No. in Seal Book ....

HYNDBURN
The place to be
an excellent council

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Plan prepared by Land Assembly Services Ltd on 2 February 2023
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Ordnance Survey LA 100022321 HBC

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REPORT TO:		Cabinet	
DATE:		15 March 2021	
PORTFOLIO:		Cllr Joyce Plummer - Resources	
REPORT AUTHOR:		Wendy Redfern – Licensing Manager	
TITLE OF REPORT:		Amendment to the Rules, Regulations and Procedures for Hackney carriage and Private Hire Licensing	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	**Options**	Not applicable	
KEY DECISION:	**Options**	If yes, date of publication:	

1. **Purpose of Report**

1.1 To seek approval for the amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing in relation to the current testing regime.

2. **Recommendations**

2.1 Cabinet approves the amendment to the Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing as set out in this report.

3. **Reasons for Recommendations and Background**

3.1 The Council are responsible for setting the vehicle testing frequency for hackney carriage and private hire vehicles, which in turn determines the period of the licence that is issued. Currently vehicles under the age of 2 years are tested annually and issued with a 12 month licence. Vehicles between the age of 2 years and 10 years are tested every 6 months and issued with a 6 month licence and vehicles over the age of 10 years are tested every 4 months and issued with a 4 month licence.

3.2 At a recent taxi liaison group meeting representatives of the trade requested that the Council consider looking at the testing frequency of vehicles over the age of 10 years old and to allow them to be tested every 6 months instead of every 4 months, as is currently the case. This would bring our testing regime in line with the neighbouring authority of Blackburn with Darwen Borough Council.

3.3 Figures from the Council's testing center taken over the last 6 months show that of the vehicles under the age of 7 that have been tested there is a 67.5% pass rate and a 32.5% fail rate. However, the fail rates rise in vehicles that are over the age of 7 to 58.8% pass rate and a 41.2% fail rate. Unfortunately, we do not have a further break down of the fail rates of vehicles over the age of 10 years. A copy of the breakdown is attached at Appendix 1.

4. Alternative Options considered and Reasons for Rejection

4.1 The Council could take no action and continue with the current policy and frequency of testing. However, this could result in more of our vehicle owners going to Blackburn to be issued with a licence. This would not prevent them from coming and working in Hyndburn, however, inevitably we would not have the same enforcement powers or control over the vehicles and drivers. We would have to rely on our neighbours carrying out enforcement action. Further as set out at 3.2 above, Blackburn with Darwen Borough Council, currently allow vehicles of any age to be subject to a six monthly test. We have no evidence that the vehicles there are any more a risk to public safety than ours are. There are no high statistics of accident rates etc.

5. Consultations

5.1 A consultation was carried out with members of the taxi and private hire trade as well as with members of the public. Sixteen responses were received of which twelve were from the taxi and private hire trade and four were from elected members. Of the sixteen responses received from the trade nine were fully in favour of the proposal and seven suggested that they would like all vehicles over the age of two years to be given a six month licence but without the additional conditions set out in the proposal below. The responses are attached to this report at Appendix 2

5.2 The proposal that was consulted upon was as follows:-

All vehicles over the age of 10 years will be subject to a 4 monthly test. If the vehicle passes the test at the first attempt on 3 consecutive occasions it will go to twice yearly testing. If the vehicle subsequently fails two 6 monthly tests consecutively at first attempt it will revert back to a 4 monthly test.

5.3 Further members of the trade have elected a number of representatives to attend the Taxi Liaison Group meetings to raise any issues and make any suggestions for improvements, and the Taxi Liaison Group has been consulted and supports this proposal.

6. Officer Recommendation

6.1 It is recommended that members adopt one of the conditions as set out below:

1)**All vehicles over the age of 10 years will be subject to a 4 monthly test. If the vehicle passes the test at the first attempt on 3 consecutive occasions it will go to twice yearly testing. If the vehicle subsequently fails two 6 monthly tests consecutively at first attempt it will revert back to a 4 monthly test.**

2) **If a vehicle over the age of 10 years passes the test on the first occasion it will be issued with a 6 months licence otherwise it will be issued with a 4 months licence.**

6.2 It is officer's opinion that any of the above requirements would provide an incentive to drivers to maintain their vehicles and encourage them to make sure that pre MOT checks are carried out before submitting the vehicle for test. However the second proposed condition would be easier to administer and in officers opinion would be the better option of the two.

6.3 Further the testing regime will be enhanced due to a serious of programmed and random spot checks to be carried out by officers.

6.4 Alternatively members could determine that they wish to remove the requirement for vehicles over the age of 10 years to have a 4 monthly test and introduce 6 monthly test for all vehicles over the age of 2 years.

6.5 Members are also requested to make an amendment to the condition relating to the maximum age a vehicle may be when first presented for licensing. It is recommended that the following condition be applied:-

A vehicle must be under the age of 15 when first presented for licensing

6.6 Members should be aware that the above proposed condition would replace a previous condition agreed in January by Cabinet that vehicles must be under the age of 10 years when first licenced. This is following representations from members of the trade and for some elected members based on the current cost of living crisis. Vehicles would need to pass the Councils test regardless of age.

7. Implications

Financial implications (including any future financial commitments for the Council)	None relating to the Council's licensing function, although if there is a large uptake it would lead to less frequent testing required at the Council's Vehicle Maintenance Unit and therefore income from tests would be reduced.
Legal and human rights implications	None
Assessment of risk	No specific risks have been identified.
Equality and diversity implications *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.*	The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to: • eliminate unlawful discrimination, harassment and victimisation; and

	• advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix 3 to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a decision in respect of the recommendations contained in this report.

7. <u>Local Government (Access to Information) Act 1985: List of Background Papers</u>

Rules, Regulations and Procedures for Hackney Carriage and Private Hire Licensing.

Appendix 1 - Fail statistics
Appendix 2 - Consultation response
Appendix 3 - Customer First Analysis

01/06/22 -
28/11/22

	All	%	Under 7	%	7 & and Over	%
Fail	290	39.9%	39	32.5%	248	41.2%
Pass	436	60.1%	81	67.5%	354	58.8%
Total	726		120		602	

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Response	Who from	In Favour
To whom it may concern I do not agree with this proposal. MOT test should be every 6 months like it was before and it should not matter what age the car is.	Driver	Partially Would like 6 month licence with o additional conditions
Hi Firstly I'm against 4 month mot for 10 year old taxis,as iv mentioned before if the vehicle passes mot there shouldn't be a problem some new vehicle's breakdown more than the older one's so age should not be a factor as long as mechanically the car is fine,I have a better suggestion If the 10 year old cars fail mot twice on the first 2 6 month MOTs then they should be reverted back to 4 month and I think that should push more drivers to fix there cars before MOT and not getting it checked out like you mentioned,iv only had one failure and that was only due to bulbs so I do recommend what i have mentioned above to be fair and not asking much but really I would like 6 months for everyone,we are all going through to cost of living crisis so this would be very helpful. Thanks Wendy	Driver	Yes
Hi. Wendy. Yes that sounds reasonable Unless the standard falls again	Cllr	Yes
Hi Wendy, I think you have made a reasonable suggestion of the way forward with your proposal and I fully support the suggestion for Vehicle testing as you described below. Regards	Cllr	Yes
Hi This makes good sense	Cllr	Yes
Hi Wendy I think this is a fair proposal	Cllr	Yes

I will support it. Best wishes		
Good morning I think the 6 month testing would a good idea as most other councils offer this. I think the proposal below would be confusing. I myself am a MOT tester and have been testing for over 20 years can say that a car can fail on a couple of light bulbs not working so this can up the fail rate. different parts of the country have different fail rates on different parts so the stats can be misleading. The roads around our local area are probably among the worst I have driven on so this also plays a part in the the high fail rate. I think you should at least trial the 6 month testing for maybe 18 months and see if it works or not. Thanks	Driver	Partially Would like 6 month licence with o additional conditions
I totally understand I agree with that.	Driver	Yes
To whom it may concern I do not agree with this proposal at all. MOT for cars in Hyndburn should be every 6 months no matter what age the car is.	Driver	Partially Would like 6 month licence with o additional conditions
That does seem fair. Kind regards	Driver	Yes

Hello Wendy, I believe the cars that are in good condition, regardless of their age should have MOT test twice a year to save drivers having to pay each time. Having more tests has pushed drivers to get their license from other councils in different towns as they allow them to have older cars. they then come to work back here in Hyndburn Kind Regards,	Driver	Partially Would like 6 month licence with o additional conditions
Hiya Wendy redfern. I still currently hold hyndburn badge but unfortunately due to my financial difficulties I couldn't afford to buy another vehicle so it left me with no choice to get a blackburn and darwen badge. They get 6 months mot any vehicle age. As I'm aware you have pushed age limit to 20 year's. I love to licenced my vehicle with Hyndburn council its my home town and staff are brilliant karen and Laura. If you any chance can revert from 4 months to 6 months that will be brilliant.	Driver	Partially Would like 6 month licence with o additional conditions
I think it be better if vehicle pass then 6 months and if fail then 4 month. and age limit extends to 20 year. thank Wendy for your hard work.	Driver	Yes
Hi I am happy with the 6 months Mot. Can I request a second option of another mot Testing station. Also I would a suggest removing the age limit on cars as long as they are safe. Thanks	Driver	Partially Would like 6 month licence with o additional conditions
My view is that I was going to apply for Blackburn badge because of any age and 6 month mot interval, but if you do it in Hyndburn then I will wait for the outcome.	Driver	Partially Would like 6 month licence with o additional

		conditions

Hyndburn Borough Council

Customer First Analysis

What is it for?

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

From 1 April 2011, a new legal duty applies to all public authorities. It covers these protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- gender;
- sexual orientation; and, for some aspects,
- marriage and civil partnerships.

The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis **before making the relevant policy decision**, and include consideration as to whether we can reduce any detrimental impact.

The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be **proportionate** to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Human Resources. I can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?

  Assist taxi and private hire owners in the current cost of living crisis. Ensure that the Borough can maintain a suitable number of licensed vehicles in order to service the public.

- Who defines and manages it?

  Licensing Officers/ Licensing Manager and the Executive Director of Legal and Democratic Services.

- Who do you intend to benefit from it and how?

  Members of the travelling public and those people who may be looking to enter the trade but are restricted from doing so by the current policy. Night time economy practitioners. By ensuring that there are adequate numbers of licensed vehicles available in the Borough to service user needs. Particularly late at night in order to clear the streets of revellers in a timely manner.

- What could prevent people from getting the most out of the policy / service / function?

  Poor uptake of new licences

- How will you get your customers involved in the analysis and how will you tell people about it?

  Consultation with stakeholders

2. Evidence

Maintaining a good level of licensed vehicles.

3. Impact

The changes to the policy will hopefully ease the issue of a shortage of licensed vehicles servicing the night time economy. The policy will assist existing drivers during the current cost of living crisis. Safety of vehicles will be maintained due to a robust testing regime and a programme of spot checks.

Name: Wendy Redfern **Signed: __________________________**

Service Area: Licensing **Dated: 10th February 2023**

If applicable, please attach copy of – or website link to - the cabinet report for reference.

Don’t forget to return your written record to HR.

REPORT TO:		Cabinet	
DATE:		22 March 2023	
PORTFOLIO:		Cllr Joyce Plummer - Resources	
REPORT AUTHOR:		Martin Dyson Executive Director - Resources	
TITLE OF REPORT:		Financial Monitoring Report – Revenue Budget 2022/2023 as at Period 10 / January 2023	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	**No**	Not applicable	
KEY DECISION:	**No**	If yes, date of publication:	

1. PURPOSE OF REPORT

1.1. The report informs Cabinet of the financial spending of the Council up to the end of January 2023 and the financial forecast outturn position for the Accounting Year 2022/23.

2. RECOMMENDATION(S)

2.1 Cabinet notes the report and asks CMT to continue to reduce expenditure and increase income so as to further improve the overall financial position of the Council over the remaining months of the year.

3. LATEST REVENUE FORECAST

3.1 The financial detail of the report is shown as a table at the end of this document.

3.2 The latest forecast spend to the end of the financial year in March 2023 is £12,205,000 compared to a Budget of £12,334,000. This forecast produces a positive variance of £129,000 by the end of the financial year.

4. FORECAST VARIANCE BY SERVICE

4.1 Environmental Services are predicting a year-end adverse variance of £273,000 and the main variances are:

Waste Services are predicting an adverse variance for the year of £176,000. This is due to £65,000 of additional staffing costs, £125,000 of increased costs in vehicle fuel and waste supplies and additional income of £14,000.

The Parks & Cemetery Service is forecasting a positive variance of £68,000, due to additional income of £209,000 largely from burials and cremations netted off by other vehicles and supplies and services costs of £148,000 and staffing savings of £6,000.

The Town Centre & Market Budget is predicting an adverse variance of £27,000, with £32,000 of additional staffing costs and savings on supplies and service of £5,000.

Other Environmental Health and Maintenance services are predicting an adverse variance of £138,000 due to reduced income of £72,000 and increased operating costs largely around vehicles and depots of £50,000, plus additional staffing costs of £16,000.

4.2 Culture and Leisure Services are indicating a positive variance of £106,000.

Service expenditure on Leisure is forecasting a positive variance of £120,000 through reduced management fees, while the Haworth Art Gallery is predicting an adverse variance of £14,000 due to increased expenditure on staff.

4.3 Planning & Transportation are predicting an adverse variance for the year of £257,000.

This is due to predicted unfinanced additional spend on agency / salary costs of £163,000, £26,000 of extra miscellaneous costs and £68,000 forecast fee income shortfall.

4.4 Regeneration & Property Services are predicting an adverse variance of £78,000 at year-end.

This is due to £43,000 of additional staffing costs, £93,000 of increased costs largely due to external consultancy fees and costs associated with empty / void investment properties. These additional costs are offset by increased fee income for Disabled Facility Grant works undertaken and one-off additional income from reclaimable premises insurances totalling £59,000.

4.5 Policy & Corporate Governance are predicting a positive variance of £129,000.

Housing Benefit costs are predicted to be £313,000 lower than budget and additional court fees income of £98,000 is projected. This offsets the corporate savings target of £101,000, additional staffing costs of £51,000 and increased costs in various areas as follows: External audit fees £42,000, Banking fees £36,000, ICT supplies and services £30,000, additional costs relating to the by-election £39,000. There are numerous other smaller variances that net to a saving of £17,000.

4.6 Non Service Items are predicting a positive variance for the year of £501,000.

This is due to forecast savings on borrowing and leasing costs of £301,000 plus additional treasury investment income of £200,000 due to utilising new investment funds and the increase in interest rates available.

5. ROBUSTNESS OF THE FORECAST & OTHER ISSUES

5.1 The Council is facing a period of inflationary pressure, particularly in relation to energy and fuel costs. The contracts for electricity supply were renewed from 1st October 2022 and resulted in large increases of over 150%, although the effect has not yet been felt in full because the government has provided a compensation scheme up to 31st March 2023. The gas contracts are due to be renewed in October 2023. The budget for 2023/24 assumes large increases of 200% although the situation remains volatile as there has been a recent reduction in prices.

5.2 As in the previous two years, if there is a spike in COVID 19 that requires the Council to take action to prevent the spread of the virus or to provide additional support to the local community, it is expected that additional funding provided by Government will be used to meet any additional costs the Council incurs.

6. ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

6.1 Not applicable. This report is for information purposes.

7. CONSULTATIONS

7.1 None applicable in this instance.

8. IMPLICATIONS

Financial implications (including any future financial commitments for the Council)	As outlined in the report.
Legal and human rights implications	Not applicable
Assessment of risk	Not applicable
Equality and diversity implications *A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.*	Not applicable

9. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985: LIST OF BACKGROUND PAPERS

Council Meeting 24th February 2022
General Revenue Budget 2022/23 (Full Council February 2022)

Summary for Budget Monitoring Report Month 10 - January 2023

	Year-To-Date			Month 10			Full Year Forecast		
Description	Budget £'000	Actual £'000	Variance £'000	Budget £'000	Actual £'000	Variance £'000	Budget £'000	Actual £'000	Variance £'000
Environmental Services	3,835	3,575	(259)	383	212	(171)	4,601	4,875	273
Culture & Leisure	220	211	(9)	22	(18)	(40)	264	158	(106)
Planning & Transportation	453	293	(160)	45	52	7	543	800	257
Regeneration & Housing	553	198	(355)	55	130	75	664	741	78
Policy & Corporate Governance	4,261	4,770	508	426	(195)	(621)	5,113	4,984	(129)
Total Net Cost of Services	**9,321**	**9,047**	**(274)**	**932**	**182**	**(750)**	**11,186**	**11,558**	**372**
Non-Service	957	964	7	96	69	(27)	1,149	647	(502)
Total Net Expenditure	**10,279**	**10,011**	**(267)**	**1,028**	**251**	**(777)**	**12,334**	**12,205**	**(129)**
Contribution (from) / to Reserves							-	129	
Total Net Requirement							**12,334**	**12,334**	

REPORT TO:		Cabinet	
DATE:		22 March 2023	
PORTFOLIO		Cllr Joyce Plummer – Resources	
REPORT AUTHOR:		Martin Dyson, Executive Director – Resources	
TITLE OF REPORT:		**Capital Spend Report 2022/23 – Update to 31st January 2023 (Period 10)**	
EXEMPT REPORT:	**No**		
KEY DECISION:	**No**	If yes, date of publication:	

1. Purpose of the Report

1.1 The Report informs Cabinet of the progress of the 2022/23 Capital Programme.

2. Recommendations

2.1 Cabinet notes the progress on capital expenditure to date.

3. 2022/2023 Capital Programme

3.1 The Council authorised a capital programme of £38.594m at its meeting on the 24th February 2022 and the programme was subsequently increased to £45.163m upon the authorisation of the carry forward of projects from the previous year and a variety of in–year authorisations using existing internal funds or new external funding. The programme was largely funded from existing resources with the exception an approval of £5m of borrowing (if required).

4. Latest Update Position

4.1 The Actual expenditure to 31st January 2023 is £3.275m against the latest approved full year budget of £45.164m. This equates to 7.25% spend. As can be seen within Appendix 1 the forecast spend in year will rise to £6.996m including orders committed which will equate to 15.04%.

4.2 As shown in Appendix A there is expected to be £38.256m of slippage into 2023/2024, of which £35.87m relates to the Levelling Up scheme for Accrington Town Centre, the Leisure Estate Investment and Housing Schemes including Disabled Facilities Grants.

4.3 There are some expected scheme overspends in year totalling £60,680, however additional funding has been identified to cover the additional costs of these schemes and they will not increase the net cost within the capital programme.

4.4 The remaining schemes within the programme have identified forecast underspends of £973,221 due to £950,000 of works now been incorporated into the successful Levelling Up scheme recently awarded. The underspends are to be released back into the capital programme and £940,000 has already been earmarked to be set aside as part of the Asset Management / Fire Safety Compliance works as per the report to Cabinet on 8th February 2023.

4.5 The overall net position is that the Capital Programme is forecasting a net underspend of £33,221 in year after the set aside of funds above.

The significant elements of the programme are as follows,

Programme Area	Actual spend to Date £'000	Committed Expenditure £'000	Forecast Outturn £'000
Total Market Renewal Programme	80	28	108
Housing Improvement Programme	818	407	1,224
Levelling Up Fund Programme	0	0	1,080
Leisure Estate Investment Project	580	561	1,141
Other Priority Projects	1,797	2,645	3,443
Total	3,275	3,641	6,996

The detail of individual project budgets and expected costs to complete the projects is provided at Appendix 1.

4. Alternative Options considered and Reasons for Rejection

4.1 Not applicable

5. Consultations

5.1 Not applicable

6. Implications

Financial implications (including mainstreaming)	As outlined in this report
Legal and human rights implications	None
Assessment of risk	None
Equality and diversity implications *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.*	None

7. Local Government (Access to Information) Act 1985: List of Background Papers

Council 24th February 2022 Capital Programme 2022/23
Cabinet 25th January 2023 – Capital Spend Report 2022/2023

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

APPENDIX 1

	New Authorised Budget £	Expected Outturn £	Variance £	Slippage to 2023/24 £

Original Capital Programme Approved By Council

Wi-Fi Upgrade Scaitcliffe House	10,000	10,000		
Tech Refresh - Upgrade QE Room	15,000	15,000		
Accrington Cemetery Welfare & Depot Facilities	458,744	458,744		
Play Area Knuzden Recreation Ground	209,439	209,439		
Gatty Park Polytunnels & Greenhouse Replacement	20,000		(20,000)	20,000
War Memorial Restoration	20,000	2,395	(17,605)	17,605
Willows Lane Stores Upgrade Work	70,000	70,000		
Vehicle & Plant Annual Replacement Programme	55,000	55,000		
CVMU Yard & Roadway Resurfacing	22,500	22,500		
Stanley Sports Hub - contribution to the extension of indoor sports facility	236,000	236,000		
Artificial Cricket Wicket	14,000	14,000		
Leeds Liverpool Canal Cycle Path	235,000	235,000		
Chip & Pin Devices	22,880	27,222	4,342	
Sub Total	**1,388,563**	**1,355,300**	**(33,263)**	**37,605**

Additions to Capital Programme 2022/23

Projects Brought Forward from Previous Years

Haworth Art Gallery Lighting & Wedding Venue	35,178	35,178		
Bolton Avenue Play Area				
Bullough Park Building Asset Rationalisation	22,967		(22,967)	
Bolton Avenue MUGA	99,184	105,522	6,338	
Oakhill Park Service Building (Improve Welfare Facilities & Drainage	17,250	17,250		
Cutwood Park Paths	25,500		(25,500)	25,500

	New Authorised Budget £	Expected Outturn £	Variance £	Slippage to 2023/24 £
Baxenden Woodland Improvements	11,980	3,720	(8,260)	8,260
Lowerfold Park Building Asset Rationalisation	24,512	24,512		
Lowerfold Play Area	7,230	7,230		
Fire Assessment Building Alterations Elmfield Hall	27,455	27,455		
Tech Refresh	3,094	3,094		
Financial System Software	207,820		(207,820)	207,820
Fire Assessment Building Alterations Various Buildings	22,561	22,561		
Willows Lane Depot	40,000	40,000		
Acc Town Hall External Improvements	236,799		(236,799)	236,799
Scaitcliffe House Reception	9,215	9,215		
Fire Assessment Building Alterations Acc Crematorium	50,000		(50,000)	50,000
Accrington Townscape Heritage Initiative	24,000	24,000		
Internal Development of Accrington Market Hall	469,061	19,061	(450,000)	250,000
Acc Market Hall External Improvements	234,853		(234,853)	234,853
AMH Pavillions / Landscaping Peel St	749,365		(749,365)	
Cremators Acc Crematorium	6,997		(6,997)	6,997
Mercedes Atego DK65 FFN	14,815	14,815		
CCTV Upgrade Various Buildings	35,000	35,000		
Computer Aided Facilities Management System	50,000	50,000		
External Security Improvements	15,000	15,000		
ICT Replacement Microsoft Dynamics	250,000	150,000	(100,000)	100,000
Christmas Decoration Replacement	18,177	9,177	(9,000)	9,000
Rhyddings Park Play Area	11,800	11,800		
PlanT Treescapes	552	552		
Lowerfold Park Bowls Shelter	8,150	8,150		
Nook Lane / Bury Meadows Acquisition	245,000	168,000	(77,000)	77,000
Pleck Meadow Access Improvements & Wetland Creation	56,264	56,264		
Accrington Town Centre Paving	7,997	4,268	(3,729)	3,729
Idox to NEC Explorer Migration	25,972	25,972		
misc underspend		(889)	(889)	
Sub Total	**3,063,748**	**886,907**	**(2,176,841)**	**1,209,958**

	New Authorised Budget £	Expected Outturn £	Variance £	Slippage to 2023/24 £

Planned Asset Improvement Programme

Planned Asset Improvement Programme - unallocated	60,866		(60,866)	60,866
PAIP Oakhill Bowls Pavilion	7,316	7,316		
PAIP Peel Park Bowls Pavilion	8,732	8,732		
PAIP HAG Re-roof	8,500	8,500		
PAIP Rhyddings Park Bowls Pavilion	10,974	10,974		
PAIP Lift Improvements Various Sites	20,000	20,000		
PAIP Electrical Works Various Buildings	8,894	8,894		
PAIP Replacement Boilers	41,959	41,959		
PAIP Asbestos Removal	3,000	3,000		
PAIP Legionella Plumbing Works	14,719	14,719		
PAIP HAG Potting Shed	4,635	4,635		
PAIP Oakhill Bandstand	15,059	15,059		
PAIP Oakhill Tennis Pavilion	9,558	9,558		
PAIP Mercer Park Bowls Pavilion	35,000	160	(34,840)	34,840
Sub Total	**249,212**	**153,506**	**(95,706)**	**95,706**

Levelling Up Fund

Accrington Town Centre Levelling Up Project	500,000		(500,000)	500,000
Market Hall	11,000,000	20,000	(10,980,000)	10,980,000
Market Chambers	3,400,000	60,000	(3,340,000)	3,340,000
Burton Chambers	9,100,000	1,000,000	(8,100,000)	8,100,000
Sub Total	**24,000,000**	**1,080,000**	**(22,920,000)**	**22,920,000**

Leisure Estate Investment Project

Wilsons Playing Fields	11,612,500	387,500	(11,225,000)	11,225,000
trans £387,500 to HLC re design stage				
	11,612,500	387,500	(11,225,000)	11,225,000
Hyndburn Leisure Centre	387,500	387,500		
	387,500	387,500		

	New Authorised Budget £	Expected Outturn £	Variance £	Slippage to 2023/24 £
Other Leisure Schemes				
HLC Mechanical & Electrical Plant Replacement	369,274		(369,274)	369,274
HLC Mechanical & Electrical Plant Replacement - Reline Pool Balance Tank	36,000	36,000		
Amenity Lighting Large Scale Project - Car Park Lighting HLC	50,000		(50,000)	50,000
Wilson Playing Fields Storage & Welfare Facilities	10,000		(10,000)	10,000
Hyndburn Leisure 3G Pitch Full Replacement	280,000	330,000	50,000	
	745,274	366,000	(379,274)	429,274
Sub Total	**12,745,274**	**1,141,000**	**(11,604,274)**	**11,654,274**

PSDS Decarbonisation Scheme

PSDS - Hyndburn Leisure Centre	1,029,556	1,029,556		
PSDS - Hyndburn Leisure Centre - Project Management Support	2,865	2,865		
PSDS - Scaticliffe House	20,512	20,512		
PSDS - 10% Contingency (Cabinet report)	9,616	9,616		
Sub Total	**1,062,549**	**1,062,549**		

Local Area Management Capital Improvement

Local Area Management Capital Improvement Schemes - unallocated	43,102		(43,102)	43,102
Age Concern Building Renovation Grant	8,776	8,776		
Arden Hall & Peel Parl LNR Improved Access	240	240		
Security Equipment	2,000	2,000		
Sub Total	**54,118**	**11,016**	**(43,102)**	**43,102**

Transitional Housing Programme

Transitional Housing Programme	28,567	243	(28,324)	28,324
Phoenix 1D	80,000	80,000		
Sub Total	**108,567**	**80,243**	**(28,324)**	**28,324**

	New Authorised Budget £	Expected Outturn £	Variance £	Slippage to 2023/24 £
Housing Improvement				
Lower Woodnook Housing Renewal Scheme	100,000		(100,000)	100,000
Disabled Facility Grant	2,166,777	1,100,000	(1,066,777)	1,066,777
DFG Affordable Warmth Grant	150,000	100,000	(50,000)	50,000
DFG Emergency Works Grant	50,000	25,000	(25,000)	25,000
DFG Home Security Grant	25,000		(25,000)	25,000
Sub Total	**2,491,777**	**1,225,000**	**(1,266,777)**	**1,266,777**
Total	**45,163,808**	**6,995,521**	**(38,168,287)**	**37,255,746**

Summary	**£**
Variance in Year	(38,168,287)
Slippage to 2023/24	37,255,746
Forecast Underspend in Year	(912,541)
Schemes with Overspend in Year	60,680
Schemes with Underspend in Year	(973,221)
Forecast Underspend in Year	(912,541)
Additional Funding for Overspends in Year	(60,680)
Less: Reallocation to New Asset Mgt/Fire Safety Reserve	940,000
Net Forecast Underspend (-) in Year	**(33,221)**

REPORT TO:		Cabinet	
DATE:		22 March 2023	
PORTFOLIO:		Cllr Steven Smithson - Environmental Services	
REPORT AUTHOR:		Craig Haraben (Head of Environmental Services)	
TITLE OF REPORT:		The proposed use of alternate fuel for the Council's vehicle fleet	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	**Options**	Not applicable	
KEY DECISION:	**Options**	If yes, date of publication:	

1. Purpose of Report

1.1 To inform Cabinet about the recommendation made by the Council's Net Zero Working Group relating to the type of fuel used by the Council's vehicle fleet

2. Recommendations

2.1 That Cabinet note the recommendation of the Net Zero Working Group

2.2 That Cabinet agree the Council's vehicle fleet can use Hydro Treated Vegetable oil (HVO) as a diesel replacement.

3. Reasons for Recommendations and Background

3.1 In September 2019 the Council declared a climate change emergency and committed to reducing carbon emissions to net zero by 2030.

3.2 A recent assessment of the Council's total CO2 emissions calculated that the Council was responsible for the production of approximately 2700 tons of CO2 per annum during the implementation of its duties.

3.3 Currently all vehicles in the Council's vehicle fleet are run on diesel fuel and the Council uses approximately 180,000 litres of diesel each year. The Council has 54 vehicles which produce approximately 500 tons of CO2 per annum via exhaust emissions. This equates to approximately 19% of the Council's total CO2 emissions.

3.4 One way of reducing CO_2 emissions produced by the Council's fleet is using HVO instead of diesel to fuel the vehicles. HVO is a renewable diesel substitute which is chemically very similar to regular diesel. However as a result of the manufacturing process it reduces net CO_2 emissions by up to 90% (which would equate to a reduction of 450 tons in relation to the Councils fleet), as well as significantly reducing NO_x and particulate matter from the diesel fleet.

3.5 HVO is a second generation biofuel and as such is a 'drop in' fuel meaning that no adaptions to the operational fuel infrastructure, vehicle or vehicle maintenance are necessary. Other Local Authorities in Lancashire and across the UK are using HVO and have reported no operational issues or additional vehicle maintenance required when using HVO.

3.6 As the use of HVO leads to a reduction in NO_x and particulate matter from vehicles emissions (in addition to reducing net CO_2 emissions) it is anticipated that another benefit of using HVO will be improved air quality in the Borough.

3.7 HVO is more expensive than diesel (currently 22% more expensive) and as such it will cost more to run the Councils fleet on HVO rather than diesel. The Council spends approximately £250,000 per annum purchasing diesel fuel, so an additional £55,000 will be required to change to HVO fuel. The additional revenue costs have been included in within the Council's budget setting process as it is considered that the environmental benefits outweigh the additional cost.

4. Alternative Options considered and Reasons for Rejection

4.1 Cabinet could choose to continue using diesel as fuel for its vehicle fleet however given the Councils commitment to reach net zero by 2030 it is important that some tangible action is taken. Using HVO will contribute to a reduction the Councils net CO_2 emissions of approximately 450 tons per annum.

4.2 Consideration was given to replacing diesel vehicles with electric vehicles (EV) however this is not recommended. The main reason was that the ten biggest polluting vehicles in the fleet (refuse collection vehicles or RCVs) could not be swapped to electric vehicles. This is due to the power and drive configuration needed by RCVs to tip waste at Whinney Hill landfill site. Once Lancashire County Council provide a waste transfer station for East Lancashire Authorities the use of EV can be considered more seriously as the waste transfer station will have a tarmac or concrete base upon which EV can operate effectively. The current costs associated with purchasing EV are significantly higher (in some cases double the cost) than purchasing diesel vehicles, in addition to the cost of installing the EV charging infrastructure needed. It is hoped as EV become more commonplace relative costs associated with purchasing EV will be more comparable with diesel vehicles.

5. Consultations

5.1 This topic was discussed at the Council's Net Zero Working Group as part of the process. The Net Zero Working Group, which is made up of members and officers and whose role is to consider policies and strategies to help address climate change, recommend to Cabinet that, for the reasons set out in this report, that HVO is used to fuel the Council's vehicle fleet.

5.2 The Portfolio Holder for Environmental Services and the Council's Corporate Management Team have been consulted as part of this report.

6. Implications

Financial implications (including any future financial commitments for the Council)	Additional revenue costs associated with purchasing HVO instead of diesel fuel, estimated to be £55,000. This has been included in the budget setting process for financial year 2023/24.
Legal and human rights implications	The Councils Contract Procedure Rules will be followed for the purchase of HVO
Assessment of risk	Currently, due to inflation, prices for products can fluctuate and be higher than expected. Officers will keep Corporate Management Team appraised of any significant price increases when purchasing HVO.
Equality and diversity implications *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.*	N/A

7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 Report to Overview and Scrutiny Committee 16 December 2021 entitled Green Review Update

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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REPORT TO:		Resources Overview and Scrutiny Committee	
DATE:		16th December 2021	
REPORT AUTHOR:		Policy Manager	
TITLE OF REPORT:		Green Review Update	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	**No**	Not applicable	
KEY DECISION:	**No**	If yes, date of publication:	

1. <u>Purpose of Report</u>

1.1 To provide the Committee with a progress update on the recommendations made in the 2019 Green Review and the Council's Climate Declaration (Green Review Action Plan).

2. <u>Recommendations</u>

2.1 That the Committee note the work going on at the Council over the past two years.

2.2 The Committee recommend the Green Agenda Members Working Group led by the Council's Green Champion help direct the Council in becoming Net Zero Carbon activities by 2030 and create a Climate Change Action Plan.

2.3 The Council rapidly develops new delivery arrangements to progress the radical changes that are needed, and to develop an overall 'climate first' approach in all matters.

3. <u>Background</u>

3.1 On the 11th September 2018 Resources Overview & Scrutiny Committee agreed to set up a Task and Finish Scrutiny Panel to complete a review of the Green Agenda. This review helped the Council declare a Climate Emergency on the 19th September 2019 with a headline target to achieve:

- Net-zero carbon in Council activities by 2030;
- To produce a measured baseline;
- To work with others towards making Hyndburn Net Zero Carbon.

3.2 The Climate Pledge was declared on the 19th September 2019 and the Green Review was approved on the 31st October and they both produced a series of recommendations in response to help limit global warming to 1.5°C or stay well below 2°C global temperature target compared to pre-industrial levels. These combined recommendations as well as those highlighted in the One Carbon World Footprint study have been compiled to create a Green Review Action Plan.

3.3 Appendix A (*Green Review Action Plan*) monitors and provides comprehensive progress updates on 36 actions / aims derived from the latest studies with 9 Actions to date Achieved, 20 Actions Still in Progress and 7 Actions currently On Hold.

Refer to **Appendix A** for a more thorough explanation of the **Action** and **Progress** update.

3.4 **Achieved (9):** *(Initial actions, many require ongoing implementation)*

- Action 1 – Complete Carbon Footprint study *(Ongoing – annual update needed)*
- Action 6 – Council monitors energy usage data on all council buildings *(Ongoing – need to develop and implement carbon reduction programme)*
- Action 7 – Procure green energy tariffs *(Ongoing - continue to review best options in each contract update)*
- Action 8 – End the use of purchasing single use cups
- Action 19 – Ensure that political and chief officer leadership teams embed carbon emissions in all areas and take responsibility for reducing emissions *(Ongoing – all activities, operations and decisions to be reviewed and modified to reduce carbon and other climate impacts)*
- Action 23 – Support and work with all other relevant agencies towards making the entire area zero carbon *(Ongoing)*
- Action 34 – Climate declaration
- Achieved 35 & 36 – thanks and contribution

3.5 **On-Hold (7):**

- Action 9 – That the council switches to fair trade local independent retailers *(this could be easily sorted by the council purchasing local fair trade products. However, because we've had no meetings at Scaitcliffe House for over 18 months it has not been looked at)*
- Action 10 – That the Council adopt a policy of only using the highest grade of recycled paper
- Action 12 – Council refreshes Green Purchasing Guide
- Action 16 – All departments include a minimum of one Green Key Performance Indicator in their suite of KPIs
- Action 17 – That Cabinet considers adding a section to the report template which highlights the environment impact of a decision
- Action 25 – Arrange a Citizen's Assembly
- Action 27 – Develop an Air Quality Strategy to monitor and improve air quality

3.6 **Ongoing / In Progress (20):**

- See Appendix A

3.7 To help achieve Hyndburn's target to make the Council's activities net-zero carbon by 2030 the Council have set out measures to reduce the organisations Carbon Footprint, and help off-set carbon emissions. On the 18th November at Full Council the Council gave the commitment to invest £1 million of Council reserves into a pot to contribute towards tackling global warming providing a clear demonstration of the Council's determination to tackle climate change with positive action and to enable some of the changes which need to be realised in the district.

4 Council's Carbon Footprint:

4.1 To help identify the Council's Carbon emissions the Council's commissioned *One Carbon World* to carry out a Carbon footprint study where the calculations of the footprint were undertaken by One Carbon World after a desk-top review of data provided by the Council. The activities included in the carbon footprint measurement were agreed in consultation between One Carbon World and Hyndburn.

The Findings of this study identified the baseline of CO2e emissions through independent analysis of Council data for the year 2018/19 (Direct Green House Gas Emissions mostly). The report identified some 2,700 tonnes CO2e emissions with the highest priority recommendation being to decarbonise energy, especially from gas usage in the Councils buildings. An update report is currently being prepared for 2019/20.

4.2 In September 2020, the Council was awarded the One Carbon World Carbon Neutral Gold Standard grant. The report detailed the carbon footprint of the Council and provided recommendations to reduce and off-set its footprint.

4.3 The Council was the 1st in the UK to participate in both initiatives. A report was submitted to Cabinet on 21 October 2020. Several other Lancashire Local Authorities have completed a Carbon Footprint report with One Carbon World and comparative benchmarks are now being discussed.

4.4 **Climate Change Committee "Local Authorities and the Sixth Carbon budget" Dec 2020**

"Many of the urgent changes and decisions which are needed next to reduce emissions and reach Net Zero have a strong local dimension. Decarbonising buildings, transport, waste and industry, cutting emissions from agriculture and storing more carbon through land-use and forestry are dependent on delivery at a local scale.

By the early 2030s all new investment and purchase decisions need to be Net Zero.

The role of local authorities in meeting the Sixth Carbon Budget, or reaching Net Zero earlier, in line with many climate emergency targets will mean a whole new zero carbon approach to managing, funding, procuring, commissioning and devising services across local authorities."

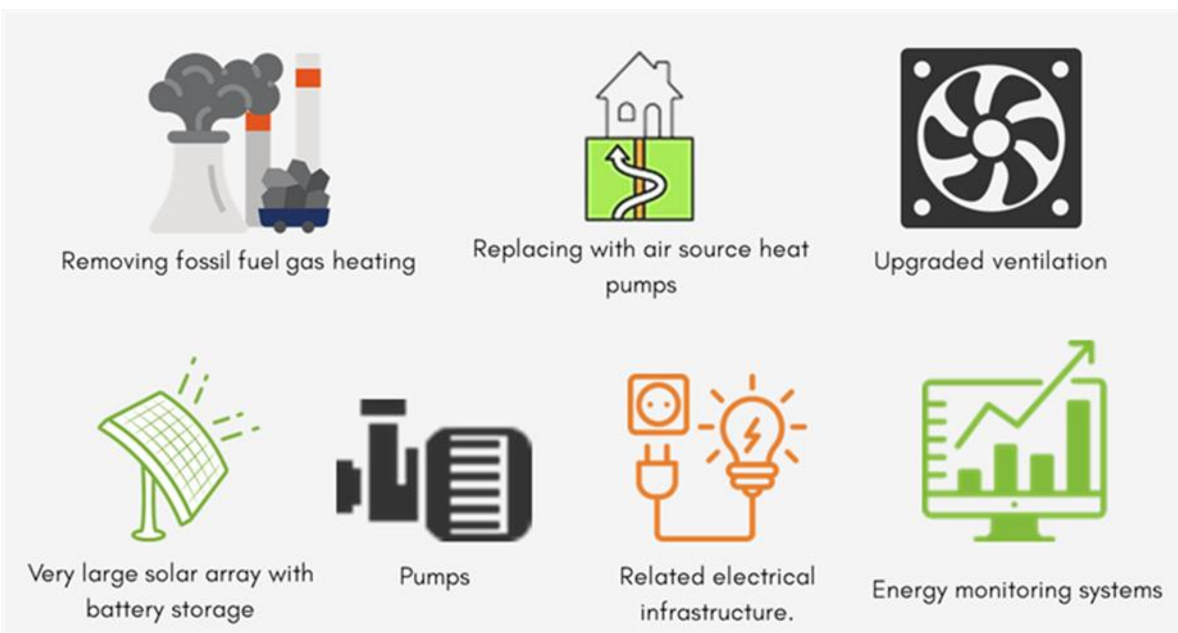
5 Hyndburn's Progress

5.1 Significant progress has been made within the Councils own operations to achieve net zero carbon by 2030 in Council operations. As mentioned, the One Carbon World Carbon Footprint study identified 2,700 tonnes CO_2e emissions with the highest priority recommendation being to decarbonise energy, especially from gas usage in the Councils buildings. This was actioned immediately and helped to secure £2.3 million investment from the Public Sector Decarbonisation Scheme together with capital investment from the Council.

5.2 A total transformation of the energy infrastructure is underway at Hyndburn Leisure Centre, projected to reduce emissions by 75% by:

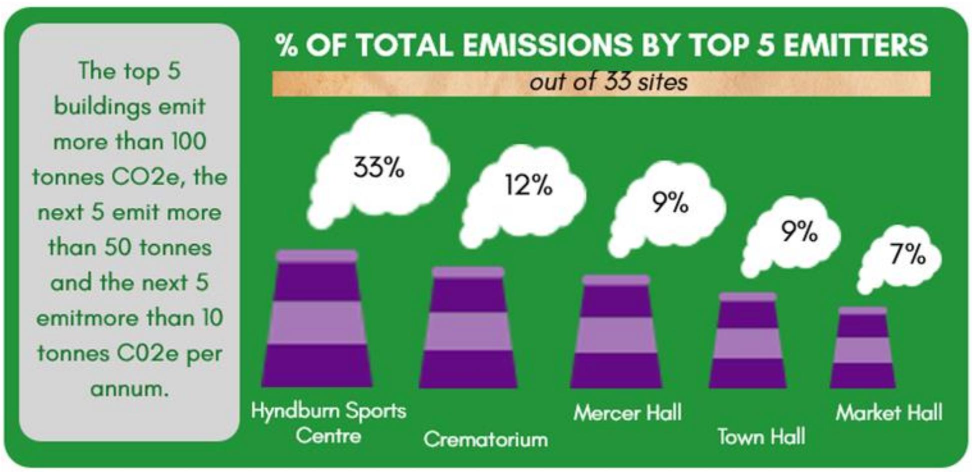
- Removing fossil fuel gas heating;
- Replacing with air source heat pumps;
- Very large solar array with battery storage;
- Upgraded ventilation;
- Pumps;
- Energy monitoring systems;
- Related electrical infrastructure.

A total transformation of the energy infrastructure is underway at Hyndburn Leisure Centre, projected to reduce emissions by 75%:



Similarly, works underway at Scaitcliffe House will achieve significant emissions reductions, with new heating system to replace inefficient panel heaters in half the building, high efficiency LED lighting throughout and doubling the solar PV capacity with a second large array on the roof. And at the Crematorium, initial measures to achieve efficiency improvements have been completed and an ongoing Heat Decarbonisation Plan will be developed to reduce emissions further.

5.3 The Council's buildings are responsible for some 75% of its operational carbon emissions, as so far identified in the Carbon footprint study (Scope 1 and 2 primarily). Emissions from all of the Council's buildings have been analysed and prioritised, with the top 5 buildings emitting more than 100 tonnes CO2e, the next 5 emitting more than 50 tonnes and the next 5 emitting more than 10 tonnes C02e per annum.



5.4 A progressive carbon reduction programme, with a pipeline of ongoing projects will need to be developed. Hopefully there will be potential to tap into further Government decarbonising investment plus energy efficiency helping to mitigate against rising energy costs.

5.5 Energy supply contracts have also been shifted to procure green tariff electricity.

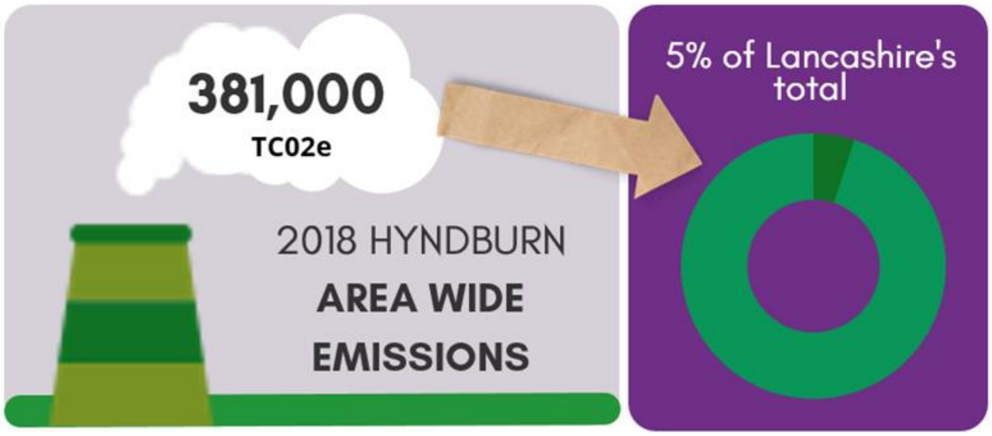
5.6 The second highest area of emissions is from fuel usage in the Council's fleet. A range of measures are underway to reduce carbon emissions from the fleet, in tandem with external expertise. EV charging points at 3 sites, potentially allowing for staff car charging as well as fleet vehicles. Progressively switching the fleet to electric vehicles, beginning with the small van fleet, possible 10 replacement vehicles in the coming year. Exploring viability and options for the large fleet, in tandem with Lancashire-wide waste management arrangements

6 Hyndburn-wide baseline

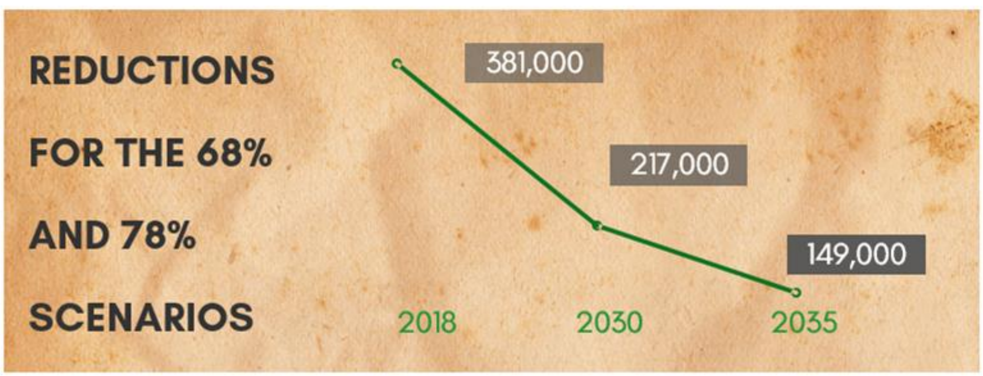
6.1 Very significant actions will be needed to meet the national targets for net zero by 2050 (or sooner if that target is brought forward, through international efforts such as COP26 and subsequent discussions at national level).

6.2 Hyndburn area-wide emissions in 2018 were some 381,000 tonnes CO2e or 5% of the Lancashire total. Reductions to 217,000 tonnes by 2030 or 149,000 tonnes by 2035 would be needed for the 68% or 78% scenarios respectively (relative to a 1990 baseline, Lancashire County Council Carbon Reduction Pathway Study 2021).

<u>Hyndburn Area Wide Emissions</u>



<u>Lancashire County Council Carbon Reduction Pathway Study Scenarios</u>



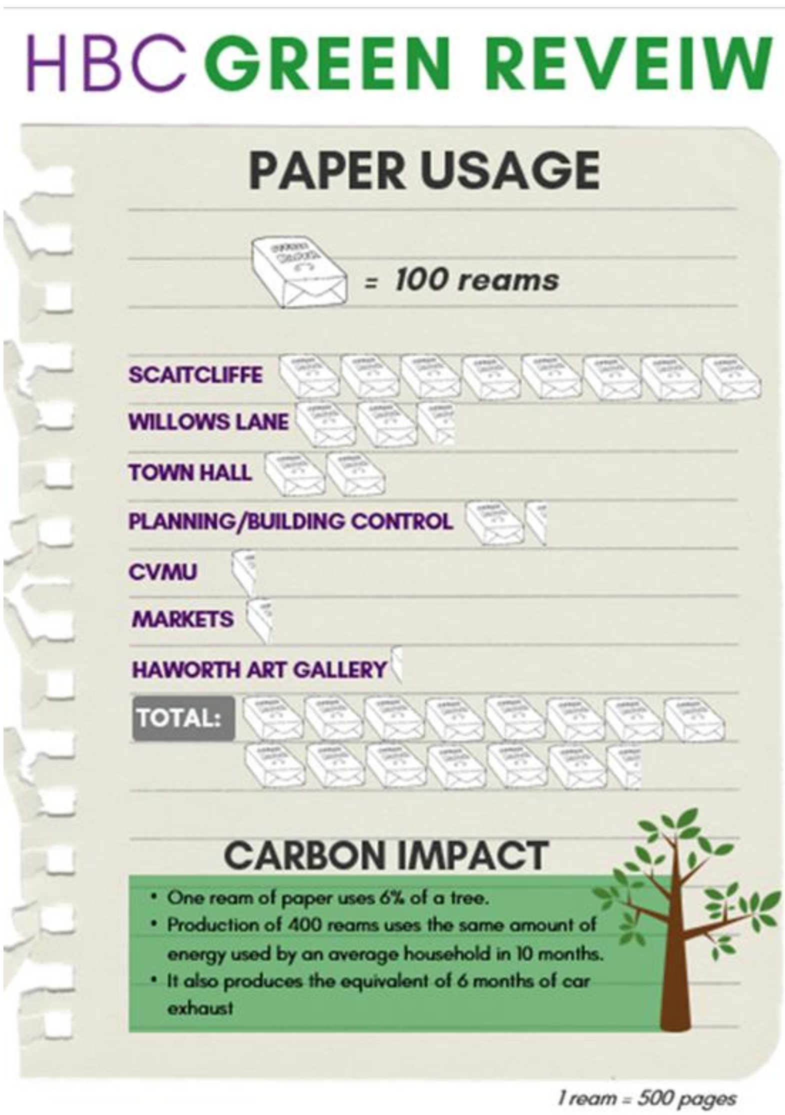
6.3 Net zero for the district as a whole will require multi-agency working to achieve a rapid transition away from fossil fuels, dramatically less energy usage and carbon emissions from houses and commercial buildings, vehicles, industrial processes and agriculture, increased deployment of renewable energy, waste reduction and re-use of resources, combined with protection and expansion of all carbon stores, natural solutions for carbon capture and climate change adaptation, more woodland, peatland restoration, soil carbon and enhanced connectivity of ecological networks.

6.4 Initial considerations for Climate Action Programme (with multiple benefits for Adaptations, Resilience and Carbon Off-setting):

- Natural solutions for carbon capture and climate resilience;
- Tree planting and woodland creation on Council and privately owned land;
- A tree for every household, through the following 2 proposals:

- 3 year community tree and woodland programme, aiming to plant 20,000 trees plus other habitat enhancements on HBC land primarily, create 2 new community woodlands, with involvement by local people, schools and groups.
- 3 years of additional funding for the Lancashire Woodland Connect programme, targets to be agreed but with a similar aim of 20,000 trees on privately owned land primarily.

- Aim to plant a tree for every resident by the end of the decade, by continuing these programmes over a longer timespan to maximise the amount of woodland creation in areas which also benefit flood management and habitat connectivity.
- Adaptation and resilience measures through peatland and grassland restoration
- Accelerate provision of new cycling and walking infrastructure and encourage active travel as an alternative to vehicle use.
- Rapid decarbonising of the Council's own impacts particularly from buildings and vehicles.



7 Lancashire

7.1 At County level, the multi-agency Lancashire Environment and Climate Change working group and is currently working towards a significant Summit with Lancashire Leaders early in 2022.

7.2 Four consultancy studies will inform these discussions, target setting and agreed actions and will complement the economic studies commissioned in preparation for the Greater Lancashire Plan. Briefly the environment workstreams cover:

Lancashire Net-Zero Pathways – focussing on an assessment of the current CO2 emissions baseline (across Lancashire and by District) and the options for interventions that will achieve ‘net-zero’ over different periods of time.

7.3 To illustrate the scale of change needed, it identifies that a 7.6% annual reduction in carbon emissions will be required to meet net zero targets, a similar level to emissions reduction during the Covid restrictions in 2020.

7.4 Lancashire area-wide emissions were some 8.2 million tonnes in 2018.
Net-Zero Scenarios

- Net zero by 2030. The analysis identifies that it is not possible to achieve even with a massive and nearly comprehensive roll out of new measures.
- 68% emissions reduction by 2030, relative to 1990 levels
- 78% emissions reduction by 2035, relative to 1990 levels

7.5 These scenarios reflect Government targets with five-yearly stepping-stones towards the overall target to be net zero by 2050. In December 2020, and in April 2021, the Government increased its level of ambition with interim targets to reduce GHG emissions by 68% by 2030 and 78% by 2035 relative to the 1990 baseline.

7.6 The 68% and 78% scenarios would meet the national target to reach net zero by 2050 and both require a roll out of measures on an unprecedented scale.

For example, a massive scaling up will be needed to retrofit some 20,000 houses annually (78% scenario) or 44,000 houses (68% scenario) compared with annual numbers currently of some 100’s of houses. A key recommendation is to accelerate energy efficiency measures in houses by a ‘fabric first’ approach with insulation and improved glazing as priorities. And then decarbonising heating, especially gas, with alternative low carbon sources such as heat pumps and heat networks.

This is a good example of the multiple benefits of taking action on climate change, as homes will become warmer, healthier and cheaper to heat with benefits for health and low income households. Plus business opportunities, jobs and skills for the retrofit work required.

Climate Resilience – looking at Lancashire’s ability to cope with and recover from acute physical climate risks such as floods, droughts, heatwaves and chronic risks such as rising sea levels and temperature change.

State of the Environment – Establishing a comprehensive environment dashboard that will highlight trends, concerns and improvement opportunities across a range of key indicators.

Renewable Energy Opportunities – identifying the installed capacity of renewable energy assets in Lancashire and the opportunities for enabling future deployment up to 2030.

Waste management - A further study is currently being commissioned to analyse the climate impacts of the waste management operations

8. COP26 (Conference of the Parties)

8.1 The agreement (although not legally binding) will set the global agenda on climate change for the next decade. How will countries be made to meet their pledges? Most commitments made at COP will have to be self-policed. Only a few countries are making their pledges legally binding.

8.2 For the first time at a COP conference, there was an explicit plan to reduce use of coal - which is responsible for 40% of annual CO_2 emissions. However, countries only agreed a weaker commitment to ***"phase down"*** rather than "phase out" coal after a late intervention by China and India.

8.3 The agreement pledged to significantly increase money to help poor countries cope with the effects of climate change and make the switch to clean energy. There's also the prospect of a trillion dollar a year fund from 2025 - after a previous pledge for richer countries to provide $100bn (£72bn) a year by 2020 was missed.

8.4 Financial organisations controlling $130tn agreed to back "clean" technology, such as renewable energy, and direct finance away from fossil fuel-burning industries. The initiative is an attempt to involve private companies in meeting net zero targets.

8.5 World leaders agreed to phase-out subsidies that artificially lower the price of coal, oil, or natural gas. However, no firm dates have been set.

8.6 A scheme to cut 30% of methane emissions by 2030 was agreed by more than 100 countries. Methane is currently responsible for a third of human-generated warming. The big emitters China, Russia and India haven't joined - but it's hoped they will be later.

8.7 Leaders from more than 100 countries - with about 85% of the world's forests - promised to stop deforestation by 2030. This is seen as vital, as tress absorb vast amounts of CO_2. Similar initiatives haven't stopped deforestation, but this one's better funded. However, it's unclear how the pledge will be policed.

8.8 The Next COP27, Sharm el Sheikh, Egypt (November 22), followed by COP28, United Arab Emirates (2023).

9. Council's Next Steps

9.1 Carrying on looking at ways to decarbonise the Council's operations and activities.

9.2 The Council is working on a Levelling-Up Funding Bid and looking at incorporating some greener projects within Accrington Town Centre.

9.3 Appointed external consultants to identify how the Council could reduce emissions from the Market Hall, which could be included in a funding bid.

9.4 Install EV infrastructure and phase over to a new EV Council fleet.

9.5 Carbon off-setting by looking after the local biodiversity, habitats and planting more trees and restoring local peatland and grassland. Plus the creation of a new Project Officer (Natural Offices) role.

9.6 Update the Green Review Action Plan with a new list of actions / aims that would help the Council achieve Net-zero in Council activities by 2030.

9.7 Create a new Members Climate Change Working Group.

9.8 Create a Climate Change Action Plan / Green Policy.

9.9 Encourage all portfolio holders and service managers to help decarbonise their department, operational activities and procurement decisions.

9.10 Look at how do we make Green Choices become the easier choices in life?

9.11 Help educate residents / businesses across Hyndburn become greener.

10. Alternative Options considered and Reasons for Rejection

10.1 **Not applicable to this report**

11. Consultations

11.1 Not applicable to this report

12. Implications

Financial implications (including any future financial commitments for the Council)	

Legal and human rights implications	
Assessment of risk	Not applicable
Equality and diversity implications *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.*	N/A

13. Local Government (Access to Information) Act 1985: List of Background Papers

13.1 *Hyndburn Green Review (24th October 2019)*
https://democracy.hyndburnbc.gov.uk/documents/s12051/Final%20Version%20GRP%20MC.pdf

13.2 *Hyndburn Climate Emergency (19th September 2019)*
https://democracy.hyndburnbc.gov.uk/documents/s10850/Motions%20for%20Council%20Report.pdf

13.3 *Lancashire Climate Change Strategy 2009 – 2020*
https://www.lancashire.gov.uk/media/190306/Lancashire_Climate_Change_Strategy_2009_2020.pdf

13.4 *The Ten Point Plan for a Green Industrial Revolution*
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOOKLET.pdf

13.5 *Net Zero NW Cluster Plan (2020)*
https://nwblt.com/wp-content/uploads/2020/09/Net-Zero-NW-Cluster-Plan-Phase-1-Report-AUG2020-FINAL.pdf

13.6 Reducing Emissions from Road Transport: The Road to Zero Strategy (2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739460/road-to-zero.pdf

Appendix A – Green Review Action Plan

Hyndburn Action Climate Emergency Action One Carbon World Additional Action Required	Observations and Current Position
Overall Aim:	
Make the Council's activities net-zero Carbon by 2030.	This will be achieved in two main ways: • Setting out measures to reduce the Council's Carbon Footprint, and • Setting out measures to help off-set carbon emissions **What about Methane?? (Transport, Land fill sites)** Over a 100-year period it is 28-34 times as warming as CO2. Over a 20-year period it is around 84 times as powerful per unit of mass as carbon dioxide. However, there is much more CO2 than methane in the atmosphere and individual molecules of it can remain there for hundreds of years.
Reducing the Councils Carbon Footprint	
Action 1	
Complete an initial Carbon Footprint study in tandem with the UN One Carbon World programme and carry out annual reviews to monitor progress and improve the data.	**Achieved and ongoing monitoring** The carbon footprint of the Council's activities must be established to ensure the effectiveness of the steps to reduce CO_2 emissions are monitored. • One Carbon World Carbon Footprint Study – 2018/19 & 2019/20 • Carbon Neutral Gold Award • Green Review 2021 (Scrutiny Report) • Energy Conservation and Climate Change Audit • Lancashire Net-Zero Pathways Report
Action 2	
Develop actions with targets to reduce emissions progressively year on year. *(Perhaps any future Action Plan update includes developing carbon reduction programme for council buildings, council fleet, and staff business travel and commuting)*	**Ongoing: Summary of current carbon reduction programme:** • £1million of the Council's reserves put into a pot of finance appropriate expenditure to contribute towards reduction of global warming • Decarbonisation of our organisation and operations • A Carbon Footprint report, prepared by One Carbon World, identified the baseline of CO2e emissions through independent analysis of Council data for the year 2018/19 (Scope 1 and 2 mostly). An update report is currently being prepared for 2019/20. • The report identified some 2,700 tonnes CO2e emissions with the highest priority

	recommendation being to decarbonise energy, especially from gas usage in the Councils buildings. • Awarded £2,317,175 from the Public Sector Decarbonisation Scheme in February 2021 • A total transformation of the energy infrastructure is underway at Hyndburn Leisure Centre • This work is projected to reduce emissions by 75% by removing fossil fuel gas heating and replacing with air source heat pumps, a very large solar array with battery storage, together with upgraded ventilation, pumps, energy monitoring systems and all related electrical infrastructure. • Similarly, works underway at Scaitcliffe House will achieve significant emissions reductions. • Crematorium, initial measures to achieve efficiency improvements have been completed and an ongoing Heat Decarbonisation Plan will be developed to reduce emissions further. • 100% renewable green energy contracts procured for our Council's buildings • A range of measures are underway to reduce carbon emissions from the fleet, in tandem with external expertise. • Electric Vehicles charging points at 3 sites, potentially allowing for staff car charging as well as fleet vehicles • APSE in the process of completing a Hyndburn EV infrastructure report with a target of 2022 for installation. • Progressively switching the fleet to electric vehicles, beginning with the small van fleet, possible 10 replacement vehicles in the coming year • Exploring viability and options for the large fleet, in tandem with Lancashire-wide waste management arrangements • Adaptation, resilience and Off-setting - 3 year community tree and woodland programme, aiming to plant 20,000 trees plus other habitat enhancements on HBC land primarily, create 2 new community woodlands, with involvement by local people, schools and groups. • 3 years of additional funding for the Lancashire Woodland Connect programme, targets to be agreed but with a similar aim of 20,000 trees on privately owned land primarily. • Adaptation and resilience measures through peatland and grassland restoration • Accelerate provision of new cycling and walking infrastructure and encourage active travel as an alternative to vehicle use
Strategy, Performance and decision making	
Action 3	
That the Corporate Strategy is updated to include	**<u>Still in progress</u>** due to the COVID-19 pandemic and an update will also include a levelling up

environmental priorities of the Council. This should include the overall aim of making the Council net zero carbon by 2030 and include actions and targets in respect of the following areas:	approach.
i Vehicle / machinery fleet mileage / fuel use	
Action 4	
That the Council considers the introduction of electric Refuse Collection Vehicles from 2021.	**<u>In progress</u>** • APSE in the process of completing a Hyndburn EV infrastructure report with a target of 2022 for installation with a 3 phase electricity supply. • When researching what electric vehicles would be suitable to be used as part of the Council's fleet, it has become evident that prior to procuring any electric vehicles the Council needs to have electric vehicle charging points available for these vehicles within its depots. There is not only a need to assess how many electric vehicle charging points would be needed to the fleet keep running but also whether the mains electrical supply to the various depots is sufficient. Therefore the Council has now appointed a suitably experienced external consultant to provide a detailed report relating to the installation of electric vehicle charging points / supply within Council depots. • Once the charging infrastructure is in place, the move over from diesel to electric vehicles will be considered as part of the normal replacement programme i.e. as and when each vehicle is due for replacement (although 10 small vans/4x4's have been identified for replacement within the next 12 months). Further changes will be dependent on a suitable electric vehicle being available in the market, that it is suitable for the needs of the service and the Council can financially afford to change given electric mechanical sweeping vehicles are currently around £200k against the diesel version at £85k and electric refuse collection vehicles around £400k against the diesel version at £190k. However, once production ramps up / competition between manufactures, prices usually come down. • Exploring viability and options for the large fleet, in tandem with Lancashire-wide waste management arrangements.
ii Business travel and employee commuting	
Action 5	
That Cabinet considers updating the Council's Travel Plan.	**<u>Still in Progress</u>** • Can be linked to our Smart Working Strategy whereby allowing hybrid working will reduce commuting miles, or could we look at something like subsidised season tickets.
iii Buildings electricity, gas and other energy use	

AIM: Achieve 100% clean energy across the Council's full range of functions by 2030.	• 100% renewable green energy contracts procured for our Council's buildings
Action 6	
That the Council should monitor its energy usage on all Council owned buildings and report annually on this to Overview and Scrutiny or another appropriate Committee. *(A future Action Plan update should include to develop carbon reduction programme to rapidly reduce carbon emissions from Council buildings).*	**Achieved and will be monitored** • One Carbon World Carbon Footprint Study • Awarded £2,317,175 from the Public Sector Decarbonisation Scheme in February 2021 • Energy Conservation and Climate Change Audit • The gas usage has decreased over the three years, but the electricity usage has increased over the last three years. • The Council purchases its energy through Apollo Energy Ltd – an agent that is able to secure prices for energy due to its bulk buying • The Council sites covered in Energy Monitoring are Accrington Market Hall, Town Hall, Art Gallery & Museum, Cemetery, CVMU, Willows Lane, Scaitcliffe House, Cemeteries, Depots, Civic Halls, Hyndburn Sports Centre and all Council Parks and Pavilions. • Waste and recycling audit that had been done and sent for the carbon footprint calculations
Action 7	
That the Council should adopt a policy of procuring only green energy tariffs for its buildings.	**Achieved** • 100% renewable green energy contracts procured for our Council's buildings
iv. Materials and consumable products used	
Action 8	
That the Council ends the purchase of single use plastic cups. Officers/Councillors should be encouraged to use their own multi use bottles/cups/glasses at the Council's various office water dispensers. Should Cabinet not deem this feasible, there are numerous more environmentally friendly single use cups available, including biodegradable and compostable paper cups.	**Achieved** • We have stopped using single plastic cups, we purchased glasses for staff/Councillors to use.
Members were also in agreement within the Chamber that disposable plastic cups should not be used at future meetings and be replaced with glasses to help reduce the Council's carbon footprint.	• We have stopped using single plastic cups, we purchased glasses for staff/Councillors to use.
Action 9	

That the Council switches to fair trade tea, coffee and sugar products and where possible these are sourced from local independent retailers.	**<u>On Hold</u>** • We haven't had any meetings in the past 12 months so no coffee, tea products have been bought. A few years ago we did change the products over to fair trade and got numerous complaints from Councillors and visitors about the taste and we had to revert back to normal tea, coffee etc.
Action 10	
That the Council adopts a policy of using only the highest grade of recycled paper. *(Any future Action Plan should include a reduction in the amounts of paper used, and procure recycled paper of a quality suitable for high volume printers and to recycle all paper and card arising)*	**<u>On Hold</u>** • Recycled paper- we used recycled paper for a while, but had massive problems with our Cannon machine, which kept jamming and breaking down so we had to go back to Cannon High Volume paper. However, some departments have still be using recycled paper. <u>Is more carbon emissions used to create recycled paper?</u> No. Sources differ in terms of numbers. Recycling causes 35 per cent less water pollution and 74 per cent less air pollution than making new paper. Recycling a tonne of newspaper also eliminates 3m³ of landfill. As paper decomposes in the ground it produces methane, which is a powerful greenhouse gas. On balance it seems that recycling paper is still much better than producing it from fresh pulp. FSC recycled is the best. Paper usage at HBC: *(1-Apr-20 to 30-Mar-21)* **Scaitcliffe** – 160 Boxes – 800 Reams **Town Hall** – 40 Boxes – 200 Reams **Markets** – 4 Boxes – 20 Reams **Planning/Building Control** – 26 Boxes – 130 Reams **Willows Lane** – 53 Boxes – 265 Reams **CVMU** – 5 Boxes – 25 Reams **Haworth Art Gallery** – 3 Boxes – 15 Reams What about Elections & Council Tax / Business Rate letters / bills Total HBC paper usage: 291 Boxes – 1,455 Reams **Carbon Impact:** • One ream of paper (500 sheets) uses 6% of a tree. • Production of one ton of copy paper (400 reams) uses 11,341 kilowatt-hours of energy (the same amount of energy used by an average household in 10 months). • It also produces 5,869 pounds of greenhouse gases (the equivalent of 6 months of car exhaust)

	• Recycling paper reduces greenhouse gas emissions by avoiding methane emissions (released when paper decomposes in landfills or is incinerated) Whilst paper production and use isn't a huge carbon contributor (in relation to other areas), it has a direct impact on tree life and biodiversity. This then has a knock on effect on overall natural carbon capture and the state of the environment.
Action 11	
Consideration is given to adapting the Capital Programme Application process in order to add a greater weighting to projects which are aimed at saving energy.	**In Progress** • Need to discuss with Capital Programme Working Group a new scoring system to prioritise environment initiatives / carbon saving.
Action 12	
That the Cabinet refreshes the Green Purchasing Guide and Officers are encouraged to use it when procuring. To monitor this, Audits could be carried out on random procurements to establish if and how the green purchasing guidance was referred to.	**On Hold** • Currently we have no plans to update Green Procurement Guide.
Action 13	
Report on the level of investment in the fossil fuel industry that our pensions plan and other investments have, and review the Council's investment strategy to give due consideration to climate change impacts in the investment portfolio. *(Future Action Plan update should reflect the next action to make representation to LPF to divest from all fossil fuel related activities and for this pressure to be continued until the necessary changes have been made)*	**In Progress** • HBC Investment Strategy (discussion on 'transparency, honesty, integrity and accountability' there is no mention of the Climate Emergency) 'Across the UK, local authorities continue to invest around £10 billion in fossil fuels through their pension funds, despite more than 75% of councils declaring a climate emergency.' - LPF invest £100 million in fossil fuels - The LA UK average is £100.4 million - This is 1.2% of LPF's overall fund (of £8.4 billion) - The LA UK average is 3.0% LPF's top 10 fossil fuel holdings: Direct and indirect investments 1 Mitsubishi (£15,451,000) 2 Chevron (£9,805,000) 3 Exxonmobil (£8,117,000) 4 Mitsui (£6,882,000) 5 BHP (£6,088,000) 6 Royal Dutch Shell (£6,012,000)

	7 Conocophillips (£5,034,000) 8 Petrobras (£5,018,000) 9 BP (£3,939,000) 10 Imperial Oil (£2,966,000)
v. Waste Arisings and Pollution Control	
Action 14	
That the Council continues to monitor the market for environmentally friendly products which could be used for the control of weeds, moss and disease etc.	**In Progress** • No suitable products – looking at other case studies / local authorities. More resource intensive / cost issue with alternative methods.
vi. Mains water use	
Action 15	
That the Council considers incorporating Sustainable Urban Draining Systems or Grey Water systems when planning relevant major facility works.	**In Progress** • Huncoat Garden Village Design Code
viii Other Actions / Decision Making	
Action 16	
That all departments include a minimum of one "green" KPI in their suite of performance indicators, and performance against these indicators is reported annually to Scrutiny.	**On Hold** • Waiting on a updated Corporate Strategy update
Action 17	
That Cabinet considers adding a section to the report template which highlights the environmental impact of a decision. *(Future Action Plan could suggest 'Climate First' approach in all things.)*	**On Hold** • Concern's raised that it will not achieve increased understanding but more additional work
Action 18	
Ensure that all strategic decisions, budgets and	**In Progress**

approaches to planning decisions are in line with a shift to zero carbon by 2030.	• £1million of the Council's reserves put into a pot of finance appropriate expenditure to contribute towards reduction of global warming • Updated Corporate Strategy still in progress due to the COVID-19 pandemic and an update will also include a levelling up approach. • The Council will need to learn and adapt from the latest formulated National Policy development, COP26 and the Greater Lancashire Plan.
Action 19	
Ensure that political and chief officer leadership teams embed this work in all areas and take responsibility for reducing, as rapidly as possible, the carbon emissions resulting from the Council's activities, ensuring that any recommendations are fully costed and that the Executive and Scrutiny functions review council activities taking account of production and consumption emissions and produce an action plan within 12 months, together with budget actions and a measured baseline.	**Achieved – ongoing action is required** • At County level, Hyndburn's Chief Executive leads the multi-agency Lancashire Environment and Climate Change working group and is currently working towards a significant Summit with Lancashire Leaders early in 2022. • Greater Lancashire Plan • Lancashire Net Zero Pathways report (Atkins) • £1million of the Council's reserves put into a pot of finance appropriate expenditure to contribute towards reduction of global warming • HBC committed to carbon reduction programme through the PSDS and wanting to decarbonise the organisation and operations. • Green Review Scrutiny Committee (Dec 21)
Action 20	
Request that Council Scrutiny Panels consider the impact of climate change and the environment when reviewing Council policies and strategies.	**In Progress** • The Scrutiny Committee will need to discuss whether they include an – "Environmental Impact" section.
Working with Partners and the community	
Action 21	
Call on the UK Government to provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise.	**In Progress** • COP26 • Greater Lancashire Plan • County Deals • Formulated National Policy Development • Draft UK Sustainability and Climate Change Strategy
Action 22	
Work with, influence and inspire partners across the district, county and region to help deliver this goal through all relevant strategies, plans and shared	**In Progress** • Multi-agency Lancashire Environment and Climate Change working group and is currently working towards a significant Summit with Lancashire Leaders early in 2022

resources by developing a series of meetings, events and partner workshops.	• Council's Green Champion • Social Media • Consultation
Action 23	
Support and work with all other relevant agencies towards making the entire area zero carbon within the same timescale.	**<u>Achieved and ongoing</u>** • Lancashire Woodland Campaign • The Woodland Trust • Lancashire Wildlife Trust • The Prospects Foundation • Ribble River Trust • Green Spaces Forum • Energy Saving Trust • The Carbon Neutral Gold award reflecting the Council's participation in the One Carbon World Carbon Footprint and UN Climate Neutral Now initiatives • Ongoing - Very radical changes are needed with significant new delivery mechanisms such as for comprehensive roll-out of energy efficiency 'fabric first' retrofit in homes, commercial and community buildings, reducing vehicle use and enabling preferred options for local travel by walking and cycling, reducing waste and increasing recycling, the deployment of low carbon and renewable energy sources and all the other areas of domestic, commercial and community life.
Action 24	
Request that the Council and partners take steps to proactively include young people in the process, ensuring that they have a voice in shaping the future.	**<u>In Progress</u>** • Council's Green Champion • The Prospect Foundation • Green Spaces Forum • Work with schools – climate change to be covered in national curriculum • Youth MP
Action 25	

Request that the Executive Portfolio holder with responsibility for Climate Change convenes a Citizens' Assembly in 2019 in order to involve the wider population in this process. This group would help develop their own role, identify how the Council's activities might be made net-zero carbon by 2030, consider the latest climate science and expert advice on solutions and to consider systematically the climate change impact of each area of the Council's activities.	**On Hold** • Explore how this could be achieved through supporting work going on with multi agency partners • Possibly replace with consultation • Learn from other Local Authorities who have carried out similar events • Partnership working with Third sector
Action 26	
Set up a Climate Change Partnership group, involving Councillors, residents, young citizens, climate science and solutions experts, businesses, Citizens Assembly representatives and other relevant parties. Over the following 12 months, the Group will consider strategies and actions being developed by the Council and other partner organisations and develop a strategy in line with a target of net zero emissions by 2030. It will also recommend ways to maximise local benefits of these actions in other sectors such as employment, health, agriculture, transport and the economy.	**In Progress** • Lancashire Environment and Climate Change working group working towards a significant Summit with Lancashire Leaders early in 2022 • Officer Working Group • Member Climate Emergency Working Group • Council's Green Champion • Work with Prospects • Green Spaces Forum
Action 27	
That the Council develops an Air Quality Strategy, outlining how it will monitor and aim to improve air pollution in Hyndburn. (To include active monitoring at the Hare & Hounds Junction, Clayton le Moors). .	**On Hold - Need some work on this to understand what is required** There were no exceedances of any of the Air quality objectives in Hyndburn last year. NO2 is a good indicator of vehicle movements although NO2 levels will be higher in narrow built up streets than in open areas as it is not allowed to dissipate. Another limitation to the data is that installations such as biomass boilers can increase NO2 levels. NO2 levels are not exclusively down to the number of vehicle movements alone, there will be a background level of NO2 although it drops off rapidly away from the source. The advice from Defra is to proceed with caution using air quality data from 2020. Although we concede the advice was for local authorities looking at removing any declared Air Quality Management areas (AQMAs). An AQMA is a declared area by a Local Authority where the air quality

	objectives are exceeded, you have then to put a plan and subsequent actions in place on how to deal with this. In terms of significance of the above information we would be wary, as obviously circumstances in 2020 were unique, and we expect levels to increase post-pandemic. We can confirm we have never declared an AQMA in Hyndburn. NO2 results were at their highest around the Hare and Hounds junction in 2009/2020. The bad winters we had then were a contributor to this. As a consequence of the high levels, a permanent air quality monitor was installed by this Department. The monitor found we were under the threshold levels of NO2 so we didn't declare. Since that time the levels of NO2 have been dropping, this is due to warmer winters, better vehicle technology, and a change in the types of cars on the road, such as petrol, hybrid, and electric vehicles. There is central government funding available for air quality monitoring and improvement actions however this is limited to AQMA areas. The current thinking is that particle matter is more harmful to human health than initially thought when the Air Quality Strategy first came in. DEFRA guidance is suggesting we now need to look at these PM10s and PM2.5s we have so far relied on the national monitoring methods to estimate the levels in our area. <u>Questions:</u> • Does the Council require additional monitoring measures and if so what type of monitoring? • There will be cost and resource implications of doing so • Or is the current monitoring system sufficient?
Action 28	
Consider other actions that could be implemented, including (but not restricted to): renewable energy generation and storage, providing electric vehicle infrastructure and encouraging alternatives to private car use, increasing the efficiency of buildings, in particular to address fuel poverty; proactively using local planning powers to accelerate the delivery of net carbon new developments and communities, coordinating a series of information and training events to raise awareness and share good practice.	<u>**In Progress**</u> • Decarbonisation Scheme Programme • A total transformation of the energy infrastructure is underway at Hyndburn Leisure Centre This work is projected to reduce emissions by 75% by removing fossil fuel gas heating and replacing with air source heat pumps, a very large solar array with battery storage, together with upgraded ventilation, pumps, energy monitoring systems and all related electrical infrastructure. • LED Street Lighting • LED Christmas Lights • Two boilers at Accrington Market Hall were replaced with energy efficient ones. • Huncoat Garden Village Design Code • APSE Electric Vehicle Infrastructure report being developed • Zero carbon emission electric lifters on refuse vehicles

	• Working with environmental organisations on a Lancashire Woodland campaign, woodland creation and other habitat enhancement locally • Supporting the greening of the taxi fleet • Affordable Warmth Grant (Air Source Heat Pumps) • Waste and recycling audit that had been done and sent for the carbon footprint calculations • Potential audit of Employee Lease car scheme to encourage uptake of Electric Vehicles • Government plans that all New builds from 2025 should install Heat Pump Boilers • Need to look at Electric Vehicle infrastructure for terraced properties • Retrofit old housing stock – at minimum air tight and well insulated (Government Grants) • Very radical changes are needed with significant new delivery mechanisms such as for comprehensive roll-out of energy efficiency 'fabric first' retrofit in homes, commercial and community buildings, reducing vehicle use and enabling preferred options for local travel by walking and cycling, reducing waste and increasing recycling, the deployment of low carbon and renewable energy sources and all the other areas of domestic, commercial and community life.
Off-setting the Council's Emissions	
Carbon Off-setting / Tree Planting	
Action 29	
That Cabinet sets ambitious targets and dates of increasing woodland coverage in Hyndburn.	**In Progress** • Hyndburn 8.59% woodland coverage; England 10%, Worldwide 31% woodland coverage • Strategic review of land holdings is currently being undertaken and all opportunities for environmental enhancement should be explored, including within Parks, nature reserves, other natural spaces and all other HBC land holdings such as grazing land. • Working with environmental organisations on a Lancashire Woodland campaign, woodland creation and other habitat enhancement locally • 3 year community tree and woodland programme, aiming to plant 20,000 trees plus other habitat enhancements on HBC land primarily, create 2 new community woodlands, with involvement by local people, schools and groups. • 3 years of additional funding for the Lancashire Woodland Connect programme, targets to be agreed but with a similar aim of 20,000 trees on privately owned land primarily. • Adaptation and resilience measures through peatland and grassland restoration

Action 30	
i. Develop a tree planting / woodland management strategy for the next 20 years.	**In Progress** • Similar to Action 29
Action 31	
ii. Explore the [potential for the generation of renewable energy by the Council, or by the Council in partnership with other organisations.	**In Progress** • Awarded £2,317,175 from the Public Sector Decarbonisation Scheme in February 2021 • Part of the PSDS is to provide solar panels • Council procured 100% renewable energy tariff • Explore further opportunities for purchasing renewable energy supplies, such as from the potential community owned solar meadow initiative being developed by the Prospects Foundations.
Action 32	
The Portfolio Holder for Parks and Open Spaces should meet with the Prospects Foundation to discuss the potential for strategic management of woodland areas in Hyndburn.	**In Progress** • Strategic review of land holdings is currently being undertaken and all opportunities for environmental enhancement should be explored, including within Parks, nature reserves, other natural spaces and all other HBC land holdings such as grazing land. • Working with environmental organisations on a Lancashire Woodland campaign, community woodland creation programme and other habitat enhancement locally. • Adaptation, resilience and Off-setting – 3 year community tree and woodland programme, aiming to plant 20,000 trees plus other habitat enhancement on HBC land primarily, create 2 new community woodlands with involvement by local people, schools and groups. • 3 years of additional funding for the Lancashire Woodland Connect programme, targets to be agreed but with a similar aim of 20,000 trees on privately owned land primarily.
Action 33	
Develop a range of proposals to balance any remaining emissions, such as natural habitat programmes locally and carbon offsetting elsewhere	**In Progress** • As above Actions 29 to 32 • Possible Off-setting strategy • Explore 'insetting' which ensures that carbon investment goes to climate beneficial initiatives within the district or Lancashire where possible to offer multiple benefits.
Implementation	
Action 34	
That the panel supported the decision to call a Climate Emergency (Made at Full Council on the 19th September 2019) and create a new post or adapts the	**Achieved** • Climate Declaration September 2019 • New post in discussion (Project Officer – Natural Spaces)

duties of an existing post(s) to facilitate the process of becoming carbon neutral by 2030, and that Cabinet encourages all Service Heads and all Councillors to support the process.	• All Service Managers to take responsibility
Commending Excellence	
Action 35	
That the Environmental Services Department be commended for their excellent work in reducing the amount of waste collected.	**Achieved** • Actioned
Action 36	
That the Prospects Foundation be thanked for their contribution to the Scrutiny Panel review.	**Achieved** • Actioned

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REPORT TO:		Cabinet	
DATE:		22 March 2023	
PORTFOLIO:		**Cllr Kathleen Pratt - Housing, Health and Wellbeing**	
REPORT AUTHOR:		Helen McCue Melling – Regeneration & Property Manager	
TITLE OF REPORT:		Livingstone Road – Garage plots Disposal to Altham Parish Council	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	**No**	Not applicable	
KEY DECISION:	**No**	If yes, date of publication:	

1. Purpose of Report

1.1 To seek authority to negotiate, agree terms and dispose of the garage site at Livingstone Road, Accrington as shown edged red on the plan at Appendix 1 at nil consideration to Altham Parish Council,

2. Recommendations

It is recommended that Cabinet:

2.1 Considers the report and is satisfied that the disposal of the garage site shown edged red on the plan at Appendix 1(“the property”) to Altham Parish Council is likely to promote the improvement of the economic, social or environmental well-being of the Altham Parish for the reasons specified in the report; and

2.2 Subject to paragraph “2.1” above, gives consent to dispose of the property at nil consideration to Altham Parish Council and delegates authority to the Head of Regeneration and Housing to finalise and agree the detailed terms for the disposal in consultation with the Executive Director (Legal and democratic Services) and the Portfolio Holder for Housing, health and Wellbeing.

3. Reasons for Recommendations and Background

3.1 A request has been received from the Altham Parish Council to transfer the freehold of the garage plots at Livingston Road, as shown edged red on the attached plan (Appendix 1), to Altham Parish Council (APC) for a nil consideration. The request represents an opportunity to transfer this asset to the Parish Council, a lower tier of local government, to facilitate the management of local assets and give local people a stake in the future of their area.

3.2 Adjoining the garage plot site are allotments which were transferred to Altham Parish Council in 2017 at nil consideration pursuant to Section 9 of Schedule 29 Local Government Act 1972. This legislation is specific to allotments and does not extend to the garage plots.

3.3 The site currently offers 7 garage plots that are all let and provides an income of £714 per annum. The site does not incur any expenditure, but is not considered to be a critical operational site by the Allotments Officer, who does not object to the disposal.

3.4 The nil consideration offered by APC for the garage site is below the development market value of £28,700 and, as such, Cabinet need to be satisfied that in the event of the disposal of the garage site to APC, this is likely to contribute to the promotion or improvement of economic, social and / or environmental well-being of the Borough or part of the Borough.

3.5 APC have provided supporting information with their offer which claims they have built a good working relationship with the allotment holders and the Parish members over the last 2/3yrs. The work undertaken by both APC and allotment holders has improved the allotments. APC claims it has invested funds and reinvested the income from the allotments by way of clearing the vacant allotments, re-sizing to a more manageable size, providing new fencing and access gates, cleaning and managing the areas around the allotments and garage plots.

3.6 It is the aim of the APC to repeat the success of the allotments and work with current garage tenants to make improvements and re-invest the income derived from the garage tenancies to improve individual garage plots and enhance the local environment. Ongoing local management of the site and areas leading to the allotments will further improve the local environment for the benefit of immediate users and visitors to the area and the Parish of Altham as a whole.

3.7 The APC are also keen to attract and engage with more volunteers from the local community and other gardening groups which will go some way to help tackle issues of inactivity, poor mental health and isolation to name just a few benefits of the social interaction and outdoor activities the APC could offer to more people if this disposal is approved.

3.8 Subject to this approval, it is advised that an overage clause be included in the contract for sale. This overage is recommended to be 100% and will enable the Council to recover from APC any increased value that may result should the community use change and subsequent benefits to the community be lost, and or if the site is sold for development.

3.9 Subject to Cabinet's considerations, this proposal is an opportunity to transfer the property to the Parish Council, a tier of local government, enabling local management of assets. The proposed sale at under value can achieve the requirements of the General Disposal Consent 2003 where the disposal is likely to secure or promote improvement in the economic, social or environmental well-being of the Altham Parish area as follows:

- Economic – this is an opportunity to raise funds alongside the rents to invest in the site creating work locally, in turn sustaining the property for the long term benefit of the local community
- Social – this is an opportunity to empower Altham Parish Council by putting the property in their direct control, giving it a greater stake in the local community. This in turn will help bring local people together and help to put local pride into the property and promote community cohesion and build community confidence.
- Environmental – planned investment and improvements in the property will have direct long term environmental benefit sustaining the site for the long term

4. Alternative Options considered and Reasons for Rejection

4.1. The site could be sold at Market Value which is £28,700, but this would not support APC in their community activities by providing them with an annual income that can be invested into the site and which it is aimed, will greatly improve the environmental amenities for users and visitors of the allotments and garages.

4.2 The site could be leased but APC have indicated that they wish to have the freehold giving them greater autonomy of the combined allotment and garage site and also to make use of the income generated by the garage rents to carry out environmental improvements to the site as a whole

4.3 The Council could retain the site but there are currently insufficient resources to carry out any improvements which could be detrimental to the allotments where the APC have already made improvements.

5. Implications

Financial implications (including any future financial commitments for the Council)	There will be a loss of income of around £714 per annum Loss of opportunity for a capital receipt of £28,700 if the freehold is sold and developed in the future. To offset this, it is recommended that an overage clause is included in the

	transfer of the site to recover any increased value in the event of the site being developed.
Legal and human rights implications	The consent of the Secretary of State is required where the Council disposes of interests in land or property for less than best consideration. The Council can rely upon the General Disposal Consent 2003 without need for specific consent where the undervalue is less than £2 million provided the Council considers that the disposal will secure the promotion and / or improvement of the economic, social or environmental well-being of its area or part of the same or their residents. Members are invited to conclude that the disposal at below market value meets this "well-being" requirement for the reasons set out in the report
Assessment of risk	Risk of the site being developed in the future can be mitigated by the including an overage clause in the contract of sale that will seek to recover 100% of the increased value of the site should it be developed in the future
Equality and diversity implications *A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.*	The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to: • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. To assist the Cabinet in this regard a Customer First Analysis has been carried out as part of the review process and is attached as Appendix 2 to this report. Cabinet is advised to consider the Customer First Analysis and its obligations in respect of the public sector equality duty when making a

	decision in respect of the recommendations contained in this report The Altham Parish Council is an elected body representing the interests of the residents in the Altham Parish.

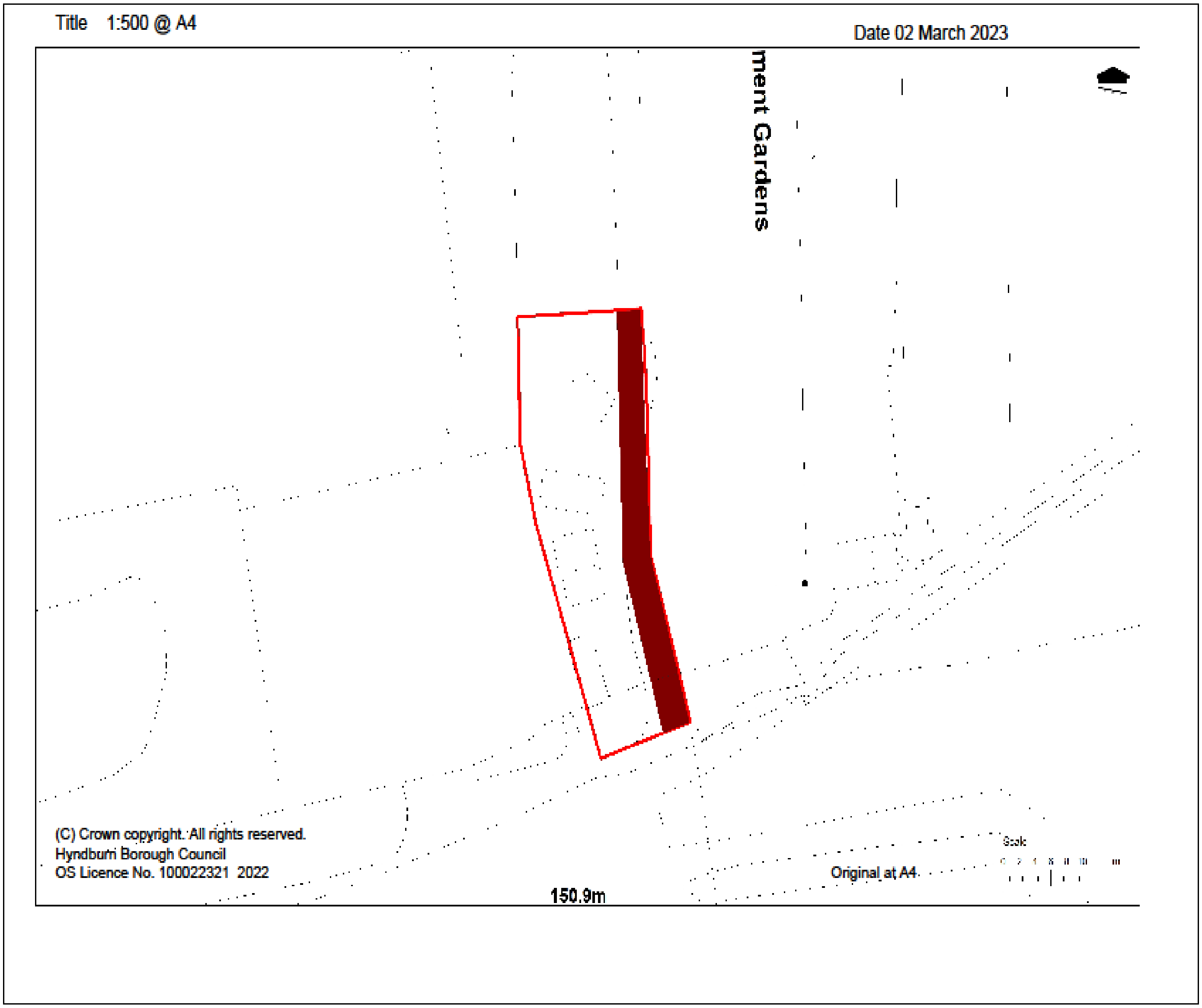
7. Local Government (Access to Information) Act 1985: List of Background Papers

7.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A - Relating to the financial or business affairs of any particular person (including the authority holding that information)

APPENDIX 1 – GARAGE PLOTS LIVINGSTONE RD.



Appendix 2: Customer First Analysis
Disposal of Garage Site at Livingstone Road, Accrington

1. Purpose
• What are you trying to achieve? • The disposal of the garage site to Altham Parish Council aiming to secure or promote the improvement of the economic, social or environmental well-being of the Altham Parish • Facilitate local management of assets at Parish Council level giving greater autonomy of and a stake in local assets.
• Who defines and manages it? • The Council currently owns and manages the garage plots
• Who do you intend to benefit from it and how? • The residents of the Parish of Altham by providing an opportunity to have greater control and management of local assets at Parish Council level. • It could benefit the wider community by bringing together other community groups and individuals outside of the Parish.
• What could prevent people from getting the most out of the site? Subject to Cabinet Approval, the site will be used by and for the community overseen by the Altham Parish Council. The APC who could restrict access however, as a tier of local government this would not be in the interest of the APC to alienate themselves from the wider community of Altham
• How will you get your customers involved in the analysis and how will you tell people about it? The Cabinet report will be in the public domain
2. Evidence
• How will you know if the policy delivers its intended outcome / benefits? The Altham Parish Council is a tier of local government and as such are accountable to those they represent.
• How satisfied are your customers and how do you know?

The Altham Parish Council will be responsible for this
• What existing data do you have on the people that use the service and the wider population? Garage tenants
• What other information would it be useful to have? How could you get this? None
• Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)? No
• Are you using partners, stakeholders, and councillors to get information and feedback? On an informal basis.
3. Impact
• Are some people benefiting more – or less - than others? If so, why might this be? Will benefit the residents of Altham and all visitors to the site
4. Actions
• If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it? N/A
• Is it discriminatory in any way? No
• Is there a possible impact in relationships or perceptions between different parts of the community? No.
• What measures can you put in place to reduce disadvantages? N/A
• Do you need to consult further? No
• Have you identified any potential improvements to customer service?

N/A
• Who should you tell about the outcomes of this analysis? N/A
• Have you built the actions into your Business Plan with a clear timescale? No
• When will this assessment need to be repeated? No further assessment is envisaged

Name: Helen McCue-Melling
Service Area: Regeneration & Property
Dated: 13/03/2023

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